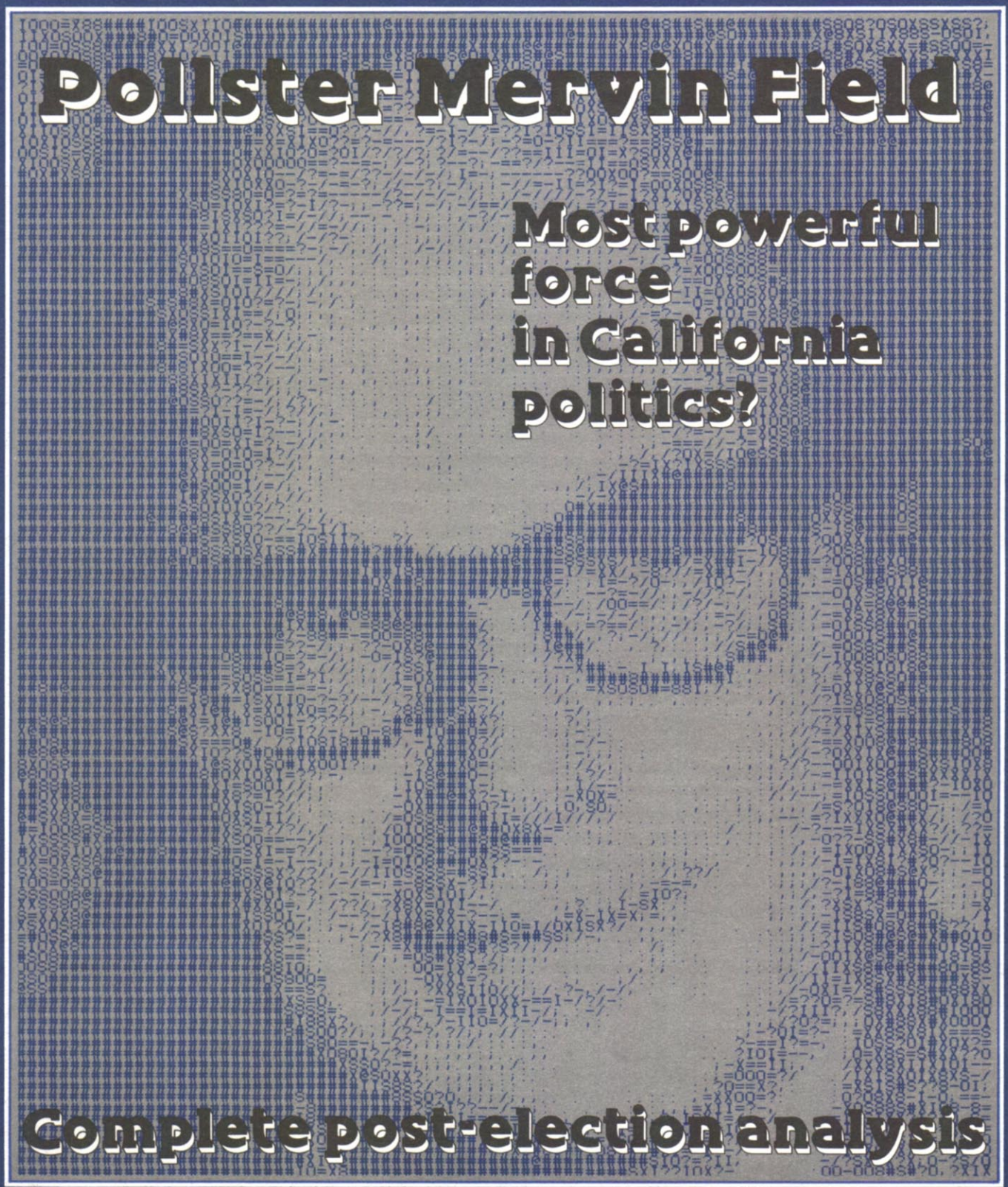
December 1976 $1.50

California Journal

THE MONTHLY ANALYSIS OF STATE GOVERNMENT AND POLITICS



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A PERSONAL PERSPECTIVE . . .

By Ed Salzman

Myth of the ignorant voter

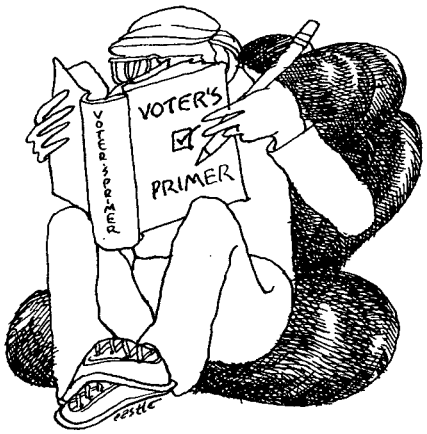
Conventional political wisdom holds that blocks of voters follow their leaders, that the electorate cares only about items at the top of the ballot and that partisanship is the overriding consideration in any election.

But California voters aren't nearly as dumb and lazy as many of us who are involved in the inner workings of the political process often say they are. This year's general election proved once again that the voters go into the booth well prepared to make intelligent decisions. Agree or not with the outcome, this year's returns prove that most voters did a surprising amount of studying about candidates and issues.

If partisanship were the controlling factor, there would have been a coattails effect for the Republicans, who won the races at the top of the ticket behind President Ford and S.I. Hayakawa. But it was the Democrats who picked up seats in the Congressional delegation and both houses of the Legislature. At the top of the ticket, Orange County was the most Republican of the state's major counties. Yet the Democrats captured two Assembly seats in the county that had previously been considered solid for the GOP. One of them is especially worth mentioning because it is the most Republican district in the state. The rock-solid Republicans of the Newport Beach area left their party because the GOP candidate was unacceptable and elected a Democrat who would be more at home with a Beverly Hills constituency.

If Californians played follow the leader, they certainly should have been heavily influenced by the pleas of the most popular governor since the inception of public-opinion polls, Jerry Brown. But all his television commercials on behalf of Cesar Chavez's Proposition 14 produced a pitiful 38 percent affirmative vote.

If Californians ignored candidates for lesser office, why did they reelect a dead Los Angeles Municipal Court judge? The answer is that enough voters knew that the opponent to the late Leo Freund, Santa Monica attorney Warren Biscailuz, was declared unsatisfactory by the county bar association. And Biscailuz had excellent name identification; his father has been a popular sheriff of Los Angeles County.



If Californians didn't study ballot propositions, how else could they have decided that the complex Proposition 15 on chiropractors was worthy of overwhelming support? The sponsors of Proposition 13, the dog-racing initiative, held out promises of lower taxes if the measure were enacted. How, except by studying the issue, could 75 percent of the voters have discovered that these were empty promises?

The job now is to convince the state's advertising geniuses that they might profit by upgrading the infantile television and radio commercials with which we have been afflicted during campaign season.

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OF STATE GOVERNMENT AND POLITICS

Volume VII, Number 12 December 1976

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CALIFORNIA JOURNAL, which presents a non-ideological analysis of California government and politics, is published monthly by the California Center for Research and Education in Government, a non-profit, tax-exempt corporation. Publication is assisted by grants from Michael J. Connell Foundation, Crown Zellerbach Foundation, Ford Foundation, and Natomas Company.

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Subscription rates: Libraries and Governmental Agencies, $30; Corporations and Associations, $50; Special Individual Rate, $15.

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UP FRONT

With the defeat of Senator Randolph Collier, Assemblyman Vincent Thomas of San Pedro is the new dean of the Legislature. Thomas once served as Democratic leader in the Assembly. His aide at that time: fellow by the name of Pierre Salinger.

After the election, NBC's Gene Shalit suggested that the first thing Jimmy Carter should do is "appoint an ambassador to California." But Carter the same day sounded as though he had been listening to somebody from California. He told audiences that there is a "beautiful new spirit in our country."

A dispute over administration of the Occupational Safety and Health Act (OSHA) has developed between the state Department of Health and the Agriculture and Services Agency. Anyone want to bet on the winner of a fight between Health's Jerome Lackner and Secretary Rose Bird of Agriculture and Services?

The Air Resources Board has become the CIA of state government under Tom Quinn. Even the state Department of Finance has difficulty piercing the ARB veil of secrecy, and staffers on occasion have been instructed to transmit verbally information that ordinarily would be put in writing.

Memo to incoming Assembly members: If some year you are defeated for reelection, look upward. Three times in recent years, defeated Assemblymen rebounded with victories in state Senate races. The latest, following Clare Berryhill and Newton Russell, is Ray Johnson of Chico, who was defeated in an Assembly contest two years ago by Pauline Davis. Now Johnson returns to the Legislature as the giant-killer who defeated the veteran Randolph Collier.

Succeeding Collier as senior senator is Albert Rodda of Sacramento, author of a set of 10 commandments for legislators. The first commandment: "Legislators shall make the public interest their first and principal objective . . . except that legislators shall respond to the special and selfish interests of their own constituents, and this shall be a higher priority."

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Based on past action, S. I. Hayakawa's debut should leave the Establishment breathless and the GOP aghast.

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After a public battle over two competing privacy bills, the Governor instituted his own unilateral "compromise."

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Jerry Brown took all the reform publicity when he was Secretary of State. It's a tough act to follow.

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The real cost of hospital over-expansion is borne by — guess who — the patient.

Child care: the $103 million football 425

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All-day babysitting or an educational experience? This is only one of the basic issues to be decided.

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Space-age illustration

The Mervin Field photograph on the cover was converted to a computer-printout image by Richard Halliday of Halliday Computer Portrait Systems, Sacramento. The technique used by Halliday is the same as the system used by NASA to chart the surface of Mars — the conversion of a video picture to a computer-symbol image.

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ROSTRUM

Judicial appointments

An article in your November issue includes a statement, erroneously attributed to me, which impugns the caliber of Governor Brown's judicial appointments.

Brown's appointees to the bench have generally been of the highest quality. Judicial appointments are given close attention and substantial expenditure of personal effort by the Governor and his advisors. A confidential review of potential appointees by the Board of Governors of the state Bar further insures high competence of those appointed. The Governor has succeeded in the difficult task of appointing significant numbers of qualified minorities and women to the bench, thus giving the California judiciary additional diversity and depth.

PETER W. SLY
San Francisco

Law-school response

(The following letter is in response to an article on night law schools – "The Dream Merchants" – in the September Journal.*)*

It is time that the stereotype that all non-accredited law schools are evil and all accredited law schools are good should be exposed for what it is — a misleading myth and a dangerous falsehood. Instead of blanketly condemning an entire group, why not ask the truly pertinent questions: Can a sound legal education be provided in a responsible manner outside the accredited framework? Is the non-traditional approach to education performing a needed and socially beneficial function?

Our state law schools are supported by the taxpayers, and yet only a handful of our citizens who need a low-cost legal education are permitted the luxury and prestige of attending a state school because they do not have a democratic admissions policy. Only the elite college graduate with an outstanding under-graduate record and a very high Law School Admissions Test score is considered for admission. The state law schools do not believe in training people through education. Rather, they perform more like handicappers at a horse race. They pick only sure winners. They are apparently unwilling to accept the challenge of training a broad spectrum of candidates for the legal profession.

For some reason peculiar to California, our legislators have recognized the value of a democratically-based bar. Our state has permitted students to qualify for the right to study law as a profession without the stringent pre-legal educational requirements and to become lawyers without graduation from an accredited school. The right is not without strings attached. The student must attend school at least four years with a minimum of 270 hours a year of classroom attendance spread out over a period of not less than 30 weeks per year. At the end of his first year in law school, the student must pass a rigorous examination. He cannot receive credit for advanced study until he does pass the exam.

Now, how do we differentiate between the responsible non-accredited school and the irresponsible one? The responsible non-accredited school starts with a philosophy of education based on a belief in people as individuals. It offers a program based on sound educational principles. Tests are carefully drafted and grading standards established. Instructors are primarily part-time, but they are chosen on the basis of educational background, professional experience, personality, and responsibility. Each must make a commitment to teaching. The administration must see that the commitment is honored. The administration must, and does, see that the educational policy is enforced as to all students and that it fairly evaluates the students and informs them of their potential for success. The responsible non-accredited school will adhere to its standards and not trade grades for students. It may have a broad admissions policy, but its retentions policy is strict.

The school must also impart to the student a sense of responsibility and professionalism. In effect, we say that the opportunity to study law should be made available to the responsible individual who has the ability to learn and to reason from abstract material.

The fact that a school is non-accredited must not be permitted to result in the conclusion that its competence and honesty are suspect. Every law school begins as a non-accredited institution. To deny it an opportunity to prove itself because of a prejudicial preconception is antithetical to our way of life. Lack of accreditation means that an institition has not yet reached that point in time where an official agency has placed a seal of approval on its efforts. This may be predicated upon a variety of reasons: The school may yet be too small, too new, or may wish to retain a flexibility in its program which accreditation may not permit. There should be more than one way to train a lawyer. There's certainly more than one way to practice law.

There are indeed substandard non-accredited schools which cause embarrassment and concern to all of us. However, these schools can be eliminated by appropriate regulation. As dean of a non-accredited law school, I have consistently fought for standards for California schools which would protect the students and public without altering the philosophy of the program. We do not need to be afraid of regulation. Good education can still be made available to people who seek an opportunity and are able to benefit from it.

What can some non-accredited schools accomplish? My own school, Mid-Valley College of Law, has made it possible to date for 18 talented individuals to become lawyers in the short time that it has been in existence. Of the 18, 13 would not be lawyers today but for our educational philosophy and program. Official State Bar figures for the 1975 examinations show that Lincoln University of San Francisco had an 80% pass rate on the first exam and an outstanding 91.3% on the second exam. An unbiased observer must

(continued on page 426)

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Pollster Mervin Field: Are his surveys too influential?

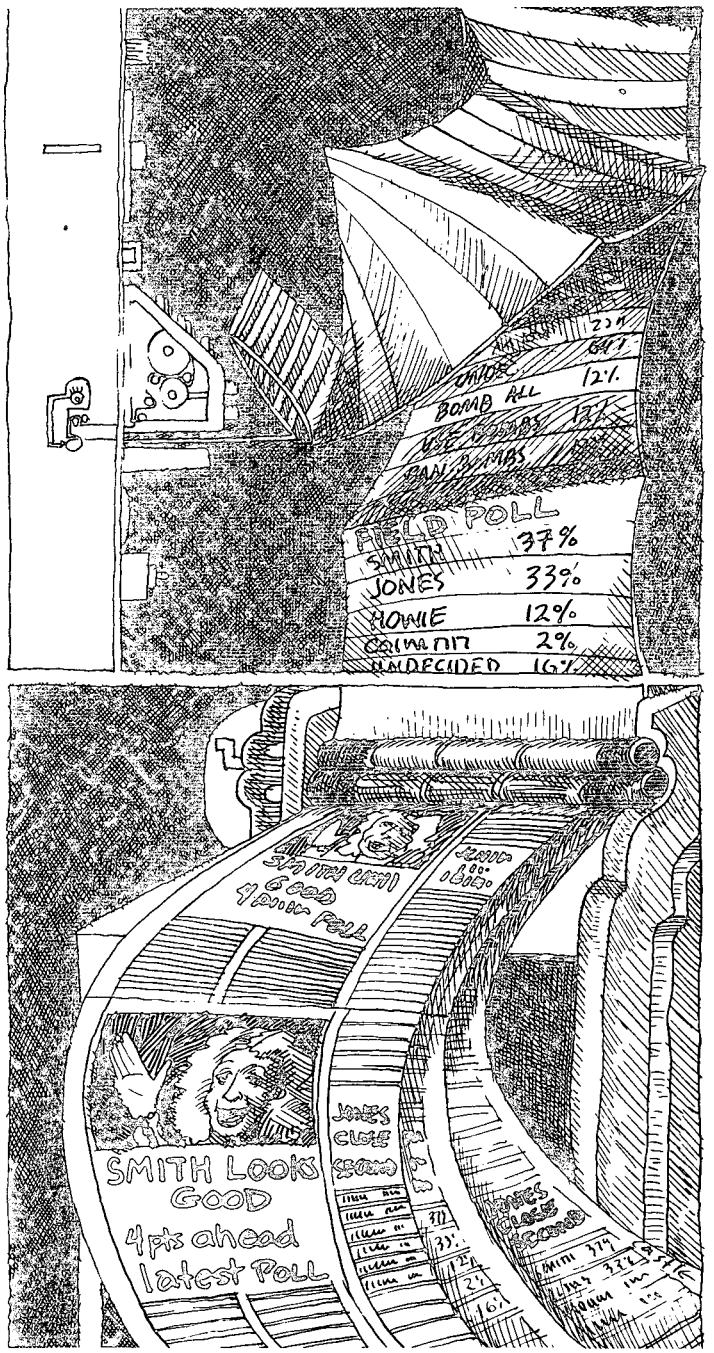
By JOHN JACOBS

To most people, Mervin Field is the expert who tells us who's ahead in the current race for governor or senator, or how Californians feel about abortion, about the likelihood of the economy improving or about how Jerry Brown is handling his job. What many do not realize is the impact Field's California Poll has on the dynamics of a state-wide political campaign, on what *Los Angeles Times* reporter David Shaw has called the three M's — money, media and morale.

Whether that makes Field, a balding unobstrusive-looking 55, one of the most powerful men in the state is subject to dispute among political experts. Yet almost all would agree that the influence of Field's poll (the only published, media-subscribed poll on state politics in California) is substantial, if not the major factor a candidate must contend with outside of name identification and fundraising — and both of those can be directly related to the poll.

Some observers say Field's influence extends beyond the state by providing a national platform for California politicians. One such observer is William Bicker, the director of the State Data Program at the University of California in Berkeley which receives all of Field's raw data. "Everyone knows how popular Jerry Brown is," says Bicker. "Tell me how popular the governor of Ohio or the governor of Texas is. The governor of California should subsidize the California Poll because it gives him a shot at the presidency. No other state poll has that reputation."

Field reacts defensively to such claims. He argues, correctly, that his polls are not predictive, but rather "snapshots in time," accurate recordings of observable data. The problem is not the poll, he suggests, but the failure of journalists to bring "informed interpretation" to poll results. Field has scolded other pollsters when they have compared with pride the "accuracy" of their polls with election results. Nevertheless, it is always difficult to resist looking at his polls as previews of how elections will turn out.



Operating since 1946

Field has been sampling public opinion in California since 1946 when he founded Field Research Corporation, a for-profit general research agency, of which the California Poll is only a small part. Prior to that, Field had worked with George Gallup. He has always considered the California Poll to be, among other things, a public relations tool to increase visibility for his corporation. The Poll, under contract to 10 newspapers and two television stations, brings in some $100,000 a year while costing $150,000. The minimum contract calls for 30 stories a year, but he usually produces 40 to

The author is a political writer with the Daily Californian *in Berkeley.*

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50. The wire services quickly pick up his results after publication.

The parent corporation now has annual revenues of about $2 million, and performs consumer, market and public-policy research for corporate, government and private think-tank clients. Field has 40 full-time employees working on national and international studies. Another 700 to 800 part-time interviewers are hired throughout the state in the course of a year. Field takes six to 10 polls a year and gets five or six stories from each. One poll, for example, would measure how voters feel about Ford or Carter, Tunney or Hayakawa, Proposition 14 and gun control. His interviewers gather information in person and by telephone. Says Field: "All responsible polling follows supposedly well-defined methods of representative sampling, objective questionaires and theories of sampling and opinion research. It's not an esoteric science."

Field will formally announce early in 1977 that he is making the Poll part of a new organization, a non-profit Field Institute. The Institute will do research in controversial areas of public policy for paying members: private and public groups and individuals, though not for candidates. Field anticipates colleges and universities, legislative agencies, lobbyists and corporations joining his new organization. Members can help formulate some questions in advance and all data will be made accessible to the public, some immediately and some after one year. All of this means Field can broaden the California Poll while relying less on media subscribers for financial support. Yet the poll will be only one part of a much larger public-opinion operation.

Field calls survey research "the greatest social invention of the twentieth century." Why? Says Field: "Successful responsive government of this complex society requires the maintenance of multiple channels for the flow of information between the public and the persons who are elected and appointed to carry out policy in the name of the public. Public opinion surveys are one of the key links in this communication chain."

Communication link or not, many a politician through the years has protested that Mervin Field did him in. Whatever or whomever a losing candidate blames for the failures of his campaign should be viewed with considerable skepticism. Nevertheless, some candidates can say justifiably not that Field did them in, but that the internal life of their campaigns was affected by political reporters, potential contributors and campaign workers reacting to his poll.

Mary Ellen Leary, a veteran political reporter who has been preparing a book on the influence of the media on the 1974 California gubernatorial race, says politicians are less concerned with the impact of opinion polls on voters than on "the process of the campaign itself."

Role of internal polls

Hadley Roff and Dick Woodward, campaign managers for John Tunney and S. I. Hayakawa, respectively, say they relied more heavily on their own internal polls than on the California Poll. Internal polls, some of which can cost $30,000 to $40,000, usually have more interpretive data and ask more open-ended questions. They can show voter attitudes, likelihood of voting, intensity of support, particular issues of concern and their priority and whether voters expect a candidate to do something about those concerns.

Internal polls can tell a candidate how and where to spend time, and can serve as an early-warning signal if things are not going well. Yet because these polls are private, they do not have the credibility with the public the California Poll has. Field has a long-standing policy against doing private political polling. "We want any political research we do to be made public," he emphasized.

Hayakawa's Woodward says of the California Poll: "It has a very profound impact because it is represented in the largest print and electronic media. That would make Field one of the most powerful men in the state. In the primary we could chart when the Field Poll was released. The first time we were in reach of Finch, there was a spurt in money, interest and volunteers. We started being taken seriously by the media and some party people who had long associations with Finch and Bell. All of a sudden Hayakawa was one of the leading candidates. That day several people phoned me and said, 'We better take your guy seriously.'"

The Democratic primary for U.S. Senate was considered a runaway for Tunney until a May California Poll showed Tom Hayden, who had been holding at a steady 15 percent for a year, suddenly closing the gap from 58-15 to 50-33, and later to 48-41. "When we rose in the polls, we were vindicated," says Hayden. "A lot changed. We worked for and got endorsements as things heated up. Press coverage changed dramatically as we looked like we had a serious chance of winning. Everything quickened."

On the other hand, Hayden says, his rapid rise in the polls scared people who hadn't paid much attention to him because of his low standing. "When we rose in the polls and were in the papers every day, a lot of voters felt the decision was being handed to them and they backed away. If it hadn't seemed an overnight upheaval, it would have been easier to deal with the anxiety of those voters." While the Poll increased the expectations and urgency of his campaign workers, Hayden says, it also "threw the middle-of-the-road voters into confusion, and those voters don't vote for change unless it has already been legitimized."

Money and rat holes

Political reporters also find Field's poll a powerful instrument. Martin Smith of the *Sacramento Bee* says the Field Poll is the most responsible and influential in the state. Its real effect is on contributions, he says, adding that "a potential contributor doesn't want to throw his money down a rat-hole, and he has to use the poll for that."

After the 1972 California Presidential primary between George McGovern and Hubert Humphrey, Field was strongly criticized when his Poll, released a week before the election, showed McGovern ahead by 20 points. Yet he only won by five points. Smith and Field say Humphrey increased his support in the last week by besting McGovern in state-wide debates, and by using a last-minute media blitz. But, according to Smith, if the money isn't there because of a poor showing in the polls, the inability to mount a last-minute blitz can deprive a candidate of added votes.

Los Angeles Times reporter Ken Reich acknowledges Field is "influential" but says Field is not as reputable among pros as Decision Making Information, a private firm headed by Richard Wirthlin. It has polled for Republicans, including Ford, Reagan and Hayakawa, both nationally and in California. Reich has directed extensive polling for the *Times* in recent years and, while skeptical of polls generally, calls them "an amazing toy of some influence." Reich says Field does not influence a campaign as much as some political reporters or a campaign manager, who makes strategy decisions and decides how and where to spend money.

Mary Ellen Leary, on the other hand, lists campaign priorities this way: "First is name identification, and polling identifies whether you have it and how successful your use of money is in increasing it. In the actual process of a campaign, the poll result is the most important aspect. People hang on his (Field's) issues polls because strategy and allocation of money are so closely related to it. The impact of what he does has more effect in politics than anything else, more than party, financial donations, personality or the

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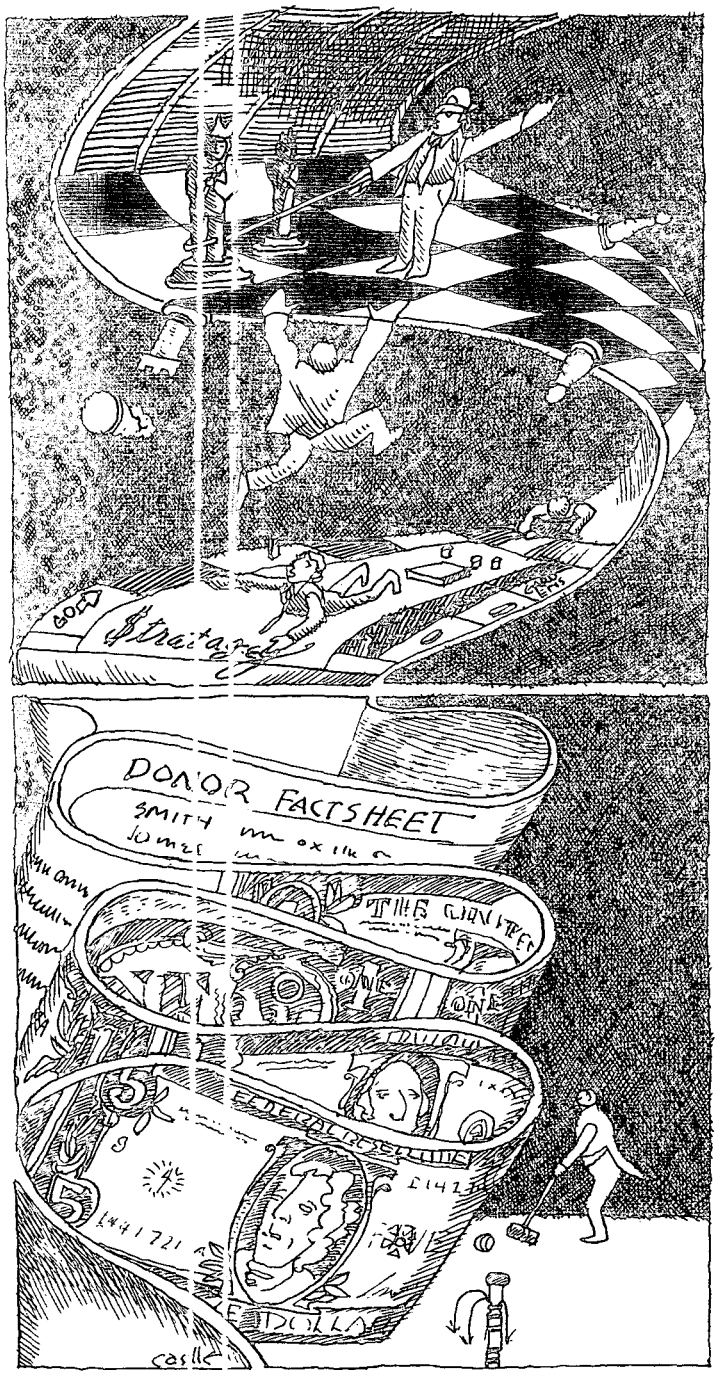

campaign manager."

Dick Woodward adds that reporters are as mesmerized as anyone else by polls. "It's a reflection of our society," he says. "There is always a winner and a loser, always a first place and a second place."

Roth a victim

William Matson Roth ran in the Democratic primary for governor in 1974. A slow starter, he showed movement (a key word) going from one percent in the California Poll to 11 percent in a couple of months, exciting a number of people including Reich. But Roth was spending a lot of his own money and was afraid he would run out of campaign funds too soon. In May, he voluntarily yanked his media ads for several weeks. When the Poll showed no further movement, Reich lost interest. According to Leary, the editorial board of the *Times* decided Roth was giving up and should not be treated as a major candidate.

Recalls Roth, "The polls reinforce a certain kind of political conservatism. Polls and media are part of the same institution and reinforce each other. There is nothing strange that when polls begin, better known people are higher up. But there is a self-fulfillment in the process, unless you come in as Reagan or Hayakawa did with name identification from another area."

Polls, media image or the much-sought-after name identification would not have nearly the impact they do have if California had a strong party structure. But California has not had such a party system in many years. As Bicker, who also is director of the new Field Institute, puts it: "In Chicago, Daley doesn't need a pollster. He has his precinct workers. If California had his organization, we wouldn't need polls either. A good showing in the polls is likely to produce a lot of bucks, because there is no one who can say how one is likely to do. The absence of party structure means there is no mechanism of verifying how your guy is doing, and thus increases the importance of polls."

Field has his critics. Every few years someone tries to introduce a bill banning or severely restricting published polls as "interfering with the political process." Whenever the election outcome does not correspond with Field's last poll, he is labelled wrong. Even Dorothy Corey, a Los Angeles pollster and political consultant since 1938 who did private polling for Brown in 1974, says Field would have more credibility if he didn't publish in the last few days before an election.

Field, for his part, repeatedly insists he is reflecting opinion as he gathers it at the moment. "I'll admit that some people may think we are wrong when late polls do not exactly correspond to election-day results," he says. "But I will continue to argue until I am blue in the face that comparing a pre-election poll report with the way an election goes is not the best way of determining the accuracy of a poll." He downplays his own influence, almost to the point of viewing attempts to measure it as another attack on his poll.

Needed public information

Defending and justifying his poll by speculating what would happen if it didn't exist, Field sees his role as providing the public information that is already available through private polls to politicians and the media. He argues it is an elitist view, if not press censorship, to think the public should not be entitled to such information. Because elections are "public enterprises," he says, "we need more information about them, not less."

More important, Field has written: "Polls help to take politics out of the 'smoke filled rooms' and the hands of political bosses. When the voice of the people can be heard clearly, it is less likely that political bosses can dictate and control as easily. They serve as a check against lobbyists and self-styled interpreters of public opinion, and they help maintain the balance of power."

While he has always acknowledged that his poll has at least some effect on fundraising, Field says politicians and campaign managers equate money raised with success, when it isn't always so. To someone like Jesse Unruh, who complained that Field's poll hurt him in his 1970 race against Reagan by drying up his money, Field replies that extra money doesn't always mean extra votes.

If a candidate cannot convince the first two or three hundred people he approaches to provide money for his campaign, Field says that shows his lack of ability as a leader, and the candidate probably cannot "project a personality to the public which successfully competes for voter

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support." In that case, "the polls merely reflect this state of voter perception." And, Field says, "If an unsophisticated fat-cat would say, 'I won't support you because you're 20 points behind,' that shows more the inequity of financing than polls."

In a sense Field is right, but he ducks the issue. He believes media play only a minor role in elections and emphasizes the importance on a voter of family allegiances, occupation, aspirations, friends and neighbors. But the political process has changed, the old norms have broken down. Because of television, Mary Ellen Leary says, the voter "doesn't see the candidate in a group context, and the forces of the group tend to lose their value. He makes up his mind about the candidate in the privacy of his own living-room rather than, for example, at a labor union meeting."

Power and its limitations

Mervin Field cannot create a candidate. Nor, obviously, would he try. His is an indirect power, exercised not so much on the voters (with possible exceptions, such as the Hayden campaign), but on the campaign process. He cannot use or manipulate his power or effect policy changes. He magnifies what is there, which candidates are rising, plunging or holding even. Depending on how the press interprets or fails to interpret his findings, poll standings are often reinforced when candidates are described only as "leading" or "trailing." Field feels strongly that it is not the pollster's job to interpret the results, and he applauds reporter analysis of the data. He maintains what he calls "an open door to serious news people."

Most political analysts have abandoned the "bandwagon" theory, the idea that poll results showing a candidate far ahead causes undecided voters to jump aboard. But regardless of how Field regards his role and the objectivity he brings to his task, the more subtle influence occurs outside the direct gaze of the voter. Candidate A, trailing by 15 points, may not lose the voters he has, but without news coverage, contributions and committed workers, he can't reach many others.

This does not intend to suggest publication of polls should be prohibited. It would be helpful to see reporters, and perhaps even Field, bring more care to their interpretation and convey more the climate in which the poll was taken. Houston Flournoy's low standing in some of the 1974 polls was caused in part by Nixon's resignation — but many accounts did not mention that. Says Leary: "Field is almost treated like another reporter with his own by-line. Reporters don't really think much about analyzing Field's stories because they don't go around challenging the other reporters on their papers — the format doesn't allow that."

How does Field react to all this talk of his power? Taking a deep breath and shaking his head, he says: "It's just hard for me to believe. I've heard things like that. It scares me. I never intended to be (powerful), I don't think I am, and if I am, it's ridiculous. It dismays me because it's an unsophisticated description. It says polls are that important, and they are not. The public is not affected. The one percent of campaign managers and politicians who live or die by it, or political reporters, are not the rank and file . . . . I am disturbed by superficial elements that are cited as measures of (my) influence. There is more to the California Poll than what a few campaign managers and a few losing candidates have to say about it . . . .

"This is a society where people are not participating, not registering to vote, not writing letters. But we're in a form of government that has to hear from people, and the survey is one of the few remaining tools to accomplish that. To have that personified scares me."

The Journal bookstore: Valuable volumes at bargain prices

In case you haven't noticed, the Journal has gradually been expanding the number of books on politics and government it makes available to readers at discount prices. All would make excellent gifts for the holiday season. The current selection:

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AMMUNITION FOR A GOP COMEBACK?

Property taxes and *Serrano* - danger signals for the Democrats

Will this be the year the pendulum starts swinging back toward the Republican sector of the California political spectrum? Democrats have a stranglehold on the state's elective offices with solid control of both houses of the Legislature and every statewide post except attorney general. There may be great strength in numbers — but also danger. With a party so totally in command, won't the public expect a great deal? And isn't there tremendous potential for destructive intra-party warfare?

The 1977 meeting of the Legislature may provide Governor Brown with his supreme test as the leader of his party. He was able to coast through his first two years because Ronald Reagan left him with a comfortable financial cushion and because there was a backlog of Democratic legislation waiting for a friendly signature in the corner office. Brown also posted unprecedented popularity ratings in the California Poll, immunizing him against heavy criticism from fellow Democrats.

Now there are danger signals as well as scaffolding above the Capitol. The November 2nd election removed the mantle of infallibility from Brown. The Governor put his reputation on the line in campaigning hard for Cesar Chavez' Proposition 14 and was demolished. His efforts on behalf of Jimmy Carter were insufficient to push the President-elect to victory in California. And a major bond issue sponsored by the Brown Administration, the $500 million Proposition 1, went down to defeat, partially because of campaign neglect by Brown.

Those are elements of a speculative political equation, and it remains to be seen whether Brown can rebuild his image within the Democratic community in Sacramento. With the power and influence of the governor's office, that can be done rapidly. Brown and Assembly Speaker Leo McCarthy split on Proposition 14, but McCarthy is basically a team player. He can hardly be expected to lead a legislative revolt comparable to the one engineered by Jesse Unruh in 1964, when Unruh was speaker and Pat Brown was governor.

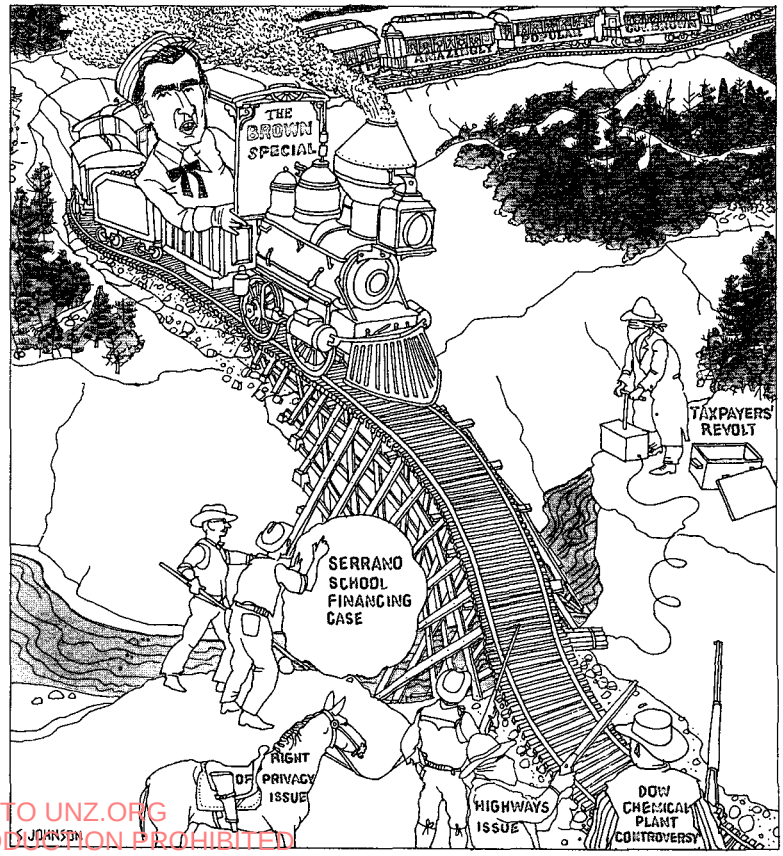
The main problem for Brown and the Democrats in the Legislature is to cope with the revolt of the property taxpayers and the likelihood that the state Supreme Court will hand down a final ruling in the *Serrano* school financing case within the next few months. Both of these issues carry time bombs for the party in power because either one could give the Republicans pocketbook ammunition for a rebound. There is great potential for bitter intra-party combat on either issue, especially school finance. Even Brown's chances for reelection might ride on how he and his colleagues cope with these interlocking issues.

Session's emotional issue

It is always dangerous to forecast what the most emotional issue of a legislative session will be, but it is clear that more Californians are riled up about property taxes than any other subject. The rapid escalation in home values in the past few years has placed a greater share of the property-tax burden on residential rather than business property. The Governor has shown relatively little sympathy for the notion that the state should provide property tax relief by, in effect, raising other taxes. He claims it is deceptive to take money from one of the public's pockets to put it in another.

There is no easy solution to the property-tax issue, although one relatively simple proposal has been kicking around the Legislature for years: Change the constitution so that commercial and industrial property can be taxed more heavily and the homeowner can get a break. Under current law, all property must be assessed at 25 percent of value. Under the proposed, two-tier system, the Legislature could decide to establish a 20-percent ratio for homes and a 30-percent ratio for businesses. This constitutional amendment failed to clear the Legislature last year, but it might seem the least onerous alternative when the crunch hits in the coming session.

Mayor Pete Wilson of San Diego, a possible GOP candidate



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for governor in 1978, has already called for an initiative requiring the state to provide cash relief if the Legislature fails to act. The earliest the two-tier system could be placed on the regular-election ballot is June of 1978. Taxpayers may be too impatient to wait for relief two years hence, and Wilson might well have a full head of steam going for his plan by that time. One possibility would be for the Governor to call for a special election early enough this year so that the two-tier system could be installed for the next round of property-tax bills. But that would take some doing. Even with the huge Democratic majorities in both houses, business interests may well be strong enough to prevail upon the Senate not to provide the necessary two-thirds vote.

Even if the Governor and the Legislature quiet the taxpayer revolt, there is the inevitable *Serrano* ruling outlawing the current system of financing public schools through property tax revenues that vary from district to district. This decision has been hanging over the heads of lawmakers for many years, but the Governor has been unwilling to tackle it pending a final determination by the court.

There is a minority view in Sacramento that Brown may escape a *Serrano* crunch. First, there is the slim chance that the Supreme Court will reverse itself. This is based on a Texas case in which the United States Supreme Court found a California-type system legal. Now, the California court must base the *Serrano* decision on the state rather than the federal constitution or sound the retreat. Secondly, there are those who feel the court could make a face-saving withdrawal by stating that the Legislature has gone far enough toward eliminating the most objectionable inequities with the enactment of recent school-finance measures.

Most likely solution

But the most likely outcome is a requirement that the Legislature scrap the present system and devise a new one that guarantees equality of educational opportunity — at least from a fiscal standpoint — for every student in the state. This may sound like a relatively easy goal to achieve. A statewide property tax could be levied to replace the present district tax with the proceeds distributed on a per-child basis. Additional funds could be distributed to those districts with special problems, as is now done.

The difficulty with that simplistic solution is that it would clobber some of the largest districts in the state. The *Serrano* concept does not take into account the fact that it costs much more to provide a decent education for a student in Oakland than it does for one in the nearby suburb of Orinda. Yet, the *Serrano* case implies that Oakland is too rich, that it should receive less money per child, and that more money should be spent on those children in suburban communities.

Consider the political problems of finding a solution to *Serrano:* Every legislator will be forced to defend the interests of his or her own school districts. Some lawmakers will even be torn between the rival interests of schools within their own legislative boundaries. San Francisco now spends more per child than any other major school district in the state. Can Speaker Leo McCarthy allow a new system to be adopted that will gore his own constituents?

Governor Brown has developed a reputation as a mediator between rival legislative forces as a result of his work on the farm-labor and coastline-control issues. This skill will be tested to the utmost in the *Serrano* situation, assuming he can first solve the problem of providing additional funds for schools without raising taxes. The obvious solution to *Serrano* would be to spread so much money around that no district would get hurt and many would be helped. But Brown has rejected this proposal because it would require a substantial increase in taxes or drastic cutbacks in other state programs.

The Governor's budget this January will be a rather meaningless document until both the property-tax and school-funding issues are decided. The budget should be similar to the previous two submitted by Brown — cut almost to the bone and with a relatively large surplus. Aside from the two big fiscal issues, the 1977 meeting of the Legislature should pose no unusual problems for Brown and the Democrats. Here are some of the issues that probably will be debated:

Farm labor. The overwhelming defeat of Proposition 14 gave growers some bargaining power, and they may seek to weaken the 1975 law. The budget for the Agricultural Labor Relations Board could become a target if the ALRB declines to weaken the "access rule" which was the prime anti-14 target during the campaign.

Highways. The Brown Administration has cut freeway construction significantly, and there are demands from some communities for completion of major highways. These demands will be reflected in specific legislation.

Dow Chemical. Senator John Holmdahl of Alameda County has launched a study of the problems encountered by the Dow Chemical company in attempting to build a mammoth petrochemical complex at the northeast end of San Francisco Bay at Collinsville. The firm already has spent $10 million trying to wade through the mass of necessary permits and is now seeking relief from Sacramento. The plant would provide employment for many hundreds of construction workers plus a permanent company of about 1,000 following completion. Environmentalists are opposing the project on the ground that it poses air pollution risks.

Agricultural land. Assemblyman Charles Warren came surprisingly close last year to winning approval for his plan to place stringent state restrictions on the development of prime agricultural land. He will be back again this year, and this time he will have the support of the League of California Cities from the start.

Privacy. Brown's relations with Senate Democratic leader David Roberti will depend to a great degree on how they work out their differences on the so-called right-to-privacy issue. Brown this year vetoed Roberti's bill placing restrictions on the gathering and maintenance of personal data in state government files. Brown issued an executive order designed to solve the problem at lower cost, but Roberti was not satisfied and declared he would try again for a tough law in 1977.

Homemaker services. Aside from the problem of putting the state Health Department into workable order, the biggest headache for Secretary Mario Obledo of the Health and Welfare Agency has been the rising cost of the homemaker-services program. Under this program, the aged and infirm can manage to live independent, non-institutionalized lives because they receive help from homemakers who regularly visit them to take care of heavy chores. The cost of the program has risen rapidly, and there has been pressure for enlarging the scope of the program (which also helps with the unemployment problem). The social and fiscal scope of the program will be an important decision made by the Legislature and the Administration next year.

There also will be some issues that hold over from session to session — among them the overall problem of burgeoning pension costs for public employees, collective bargaining for state and local government workers and the Common Cause plea for public financing of state elections. But from the standpoint of the 1978 prospects of Governor Brown and the Democratic majority, the issues that will decide the direction of the political pendulum will be property-tax reform and the *Serrano* decision. *E. S.*

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Dr. Bojangles goes to Washington

The samurai semanticist vs. the Establishment

By JOHN MINTZ

A photograph of S. I. Hayakawa hung in Ronald Reagan's Sacramento office when Reagan was governor. The president of San Francisco State began letters to Reagan with Reagan's childhood nickname: "Dear Dutch." Reagan wrote back: "Dear Samurai."

Conservative Republicans disappointed by Reagan's loss at the Republican National Convention in August turned to Hayakawa as a substitute; he seemed to be the right samurai to do battle with the busybody bureaucrats in Washington. They helped him raise $1 million to beat Democrat Senator John Tunney.

But Republicans might well ask themselves how much they really know about their Japanese-American warrior. Even as Hayakawa is packing his bags for Washington, several of his old friends say the Republicans won't get their money's worth. "He won't be a safe vote in the Senate for the Republicans," said one. "He's likely to be voting strangely indeed. It would sort of amuse him sometimes to oppose his own party. I think the Republicans are in for a shock when they find out he's really a liberal inside."

That might be an overstatement. If Hayakawa is a liberal, he is of the closet variety. In his campaign, he basically stuck to the straight conservative Republican line: for a strong military and stiffer penalties for criminals, and against big government. But Hayakawa has made it clear he thinks for himself, and is not bound by party or ideology. Calling himself a "Republican unpredictable," he said in a television interview after his election that, once in the Senate, "I can't promise to be a strict party person." Some issues "transcend party lines," he stressed. "I don't think we need to line up by party. Parties are important during elections, and aren't as important in between.

During the campaign, Hayakawa made a number of proposals not found in any Republican platform. He said he'd push them if elected. It will be interesting to see how the worthies in Washington respond. Imagine the Senate debate on Hayakawa's proposal to relax minimum-wage and child-labor laws for teenagers, which he has said will be his first order of business in January. (Hayakawa thinks enacting this plan would make it easier for teenagers to find work.) What if Hayakawa wants to introduce a bill on his brainstorm to send jazz records to Eastern Europe? (Hayakawa says jazz will make the people there "really, really dissatisfied with their lot under a Communist tyranny.")

Other Hayakawa plans that might cause coughing fits on the Republican side of the aisle: busing parents and teachers before busing students; sending unarmed, integrated troops as construction workers to Africa to show Africans how racial harmony works. Hayakawa has also said one of his major tasks as senator will be to end bureaucratic jargon in Congressional bills.

Academic beatnik

Hayakawa needles Republicans frequently. He said in an interview that they have done little to counter their image of being "stuffy" and "fuddy-duddy, appealing to the old." Most Republicans, he said, "want to re-create the age of Taft, and the liberal Republicans want to re-create the age of Eisenhower." His political independence is not out of character. He has been an iconoclast, a kind of academic beatnik, for most of his adult life.

Hayakawa was a dashing young English professor who owned the only motorcycle on the University of Wisconsin campus in the 1930s. An avid jazz fan, he travelled easily in jazz circles in Chicago during World War II. He became friends with such performers as Duke Ellington and Mahalia Jackson, and had a weekly jazz show on radio. He was a rebel in the academic world, making his fame as a founder of general semantics, the study of how language relates to thought and behavior. He writes in a breezy style (a new book will come out soon), and is likely in a single paragraph to quote from John Locke, Eugene O'Neill and Apache legend to make a point. Most of the professors in the English department at San Francisco State College, where Hayakawa became an English professor in 1955, thought his work was lowbrow and derivative. But he was a popular, innovative teacher, one of the first to use television in his classes.

Hayakawa was a liberal Democrat in those days. He voted for Adlai Stevenson in the 1950s and subscribed to the

The author, editorial-page editor of the Daily Californian *in Berkeley, has written extensively on S. I. Hayakawa.*

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New Republic. He was a leader in the protests against the switch to digital telephone dialing. His wife Margedant was, and is, active in the environmentalist movement. Hayakawa was a director of Consumers Union in the mid-1950s, and lectured at the Esalen Institute during the 1960s.

Switch to conservatism

He parted ways with many of his liberal academic colleagues, though, when students started protesting on campuses. He gained his reputation as a law-and-order enforcer in December, 1968, during the student strike at San Francisco State. On his first day on campus after being named acting president, he pulled the plug on a radical student's sound truck. Since then, he has taken full advantage of the folk-hero status he gained that day. "He was an absolute master of the media," said Donald Garrity, a campus vice president and friend of Hayakawa's. "When he realized he'd inadvertently created a moment of drama up on that truck, he used it."

During the strike, which lasted another 100 days, Hayakawa worked as hard to build himself up as to end the strike. Administrators, professors and students then on campus said his impulsive actions and statements, though popular with the public, served to spur on the protesters. Many students who had been neutral in the strike joined it after the wire-pulling incident. The bloodiest riots of the strike came the next day. In a characteristically impish mood that afternoon, Hayakawa, wearing a floral lei, said at a press conference that "this has been the most exciting day of my life since my 10th birthday, when I rode on the roller coaster for the first time."

Hayakawa nowadays affects the same image of spontaneity that he did then. What he calls his "playful" remarks embarrass his aides. He said in his campaign, for example, that he didn't give a "good goddamn" about whether voters approved Proposition 13, which would have legalized betting on greyhound races. Asked about whether he, like Jimmy Carter, has lusted after women, Hayakawa said, "I lust after women every hour on the hour, but being so busy in campaigning, I have to settle for that."

Aide Eugene Pratt said Hayakawa "can't be briefed. It can't be done." Reported campaign manager Jack McDowell: "Even if we wanted to, we couldn't push him into a position he'd be uncomfortable with." Hayakawa was urged not to improvise on foreign affairs after he had talked himself into a corner in the middle of a televised debate with Tunney by saying the U.S. should send troops to Africa in the event of a bloodbath.

One-liners his forte

We can expect Hayakawa as senator to keep up a steady stream of one-liners and X-rated comments — some funny, some irresponsible, some calculated, some freely associated, all self-aggrandizing in some respect. Several of his old friends and associates believe he went into politics merely for the publicity. "He wants to run for Senate, not be senator," said one before the election. "He enjoys the acclaim. He's probably terrified he'll win. Then he'd have to serve, and he wouldn't be able to do that. He can't take responsibility like that." This friend, a former campus aide, observed Hayakawa firsthand when Hayakawa was campus president from 1968 to 1973 — the only administrative post he has ever held.

San Francisco State administrators interviewed said he was inept, ignorant about budgetary matters and uninterested in the details of running the school. Underlings ran it for him. Aides said they had to hand him notes when he spoke on the telephone to trustees or other campus presidents, to tell him what to say. "He was being paid to do a job he couldn't do," said one administrator. Hayakawa himself admitted, "I didn't have any pretensions at all of being an administrator."

Campus associates said he had a short attention span. In the middle of important discussions, they reported, he often just left the room without a word to find something else to do. Campus Vice President Garrity told one story about trying to get Hayakawa's attention. Hayakawa had installed a large piece of plywood in a room next to his office for tap-dancing in his spare time. One day, Garrity said, he needed a decision on an urgent question and found Hayakawa tap-dancing to a jazz record. Garrity said he couldn't keep Hayakawa's attention, so he stepped onto the platform, started dancing with him, and pressed the matter. Garrity said they continued shuffling together for about 10 minutes, until Hayakawa came to a decision.

Hayakawa will probably keep tap-dancing in Washington. He told a *Los Angeles Times* reporter, though, that he doesn't plan to over-exert himself. "I may go back to being quite a scholar again," he said. "That's what I really look forward to, by the way. The use of the Brookings Institute library, the Library of Congress. It will be great fun."

In the time he does spend in the Senate, the 70-year-old Hayakawa will find the company of at least a dozen colleagues older than he. Among them are North Dakota's Milton Young, who is 78, and Arkansas's John McClellan, who is 80. Some of them might share another trait of Hayakawa's: he falls asleep easily during his workdays. As campus president, he routinely fell asleep at state college trustees' meetings. Once he snoozed through an important address by then-Governor Reagan. Aides said that he often took his seat at meetings and was asleep within seconds, but that he also quickly snapped out of sleep when awakened. Hayakawa did not doze off inappropriately during his campaign, though he did catnap between campaign stops.

He claims his snoozing days are over. But one old drinking partner doubts that. "Just wait till his first Senate subcommittee meeting and watch his eyelids close. I'd bet a year's wages on it."

Selected government reports

Nuclear Power: The Unviable Option, by John J. Berger, introduction by Dr. Linus Pauling. Published by Ramparts Press, 1976. A critical look at nuclear power, energy alternatives, and the rising tide of citizen action. 384 pp., illustrated. Available from the publisher, Box 10128, Palo Alto 94303. ($4.50 paperback, $14 bound)

Definite Sentencing: An Examination of Proposals in Four States, by the Council of State Governments, with support from the Law Enforcement Assistance Administration. 1976. A critical reexamination of criminal-justice sentencing systems. 48 pp. Available from the Council, Iron Works Pike, Lexington, Ky. 40511. ($3)

Californians in Congress 1976: A Report of the California Congressional Recognition Program, by Alfred Balitzer. Evaluates the accomplishments of California's 43 representatives. Contains district maps and population charts. 113 pp. Available from the Office of Public Relations, Claremont Men's College, Claremont 91711.

State Community Development Policy: The Case of New Communities, by the Council of State Governments, with the U.S. Department of Housing and Urban Development. 1976. Looks at the state role and public interest in new communities. 121 pp. Available from the Council, Suite 400, 85 Post St., San Francisco 94104. ($4)

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The year democracy worked
First woman in the Senate
McCarthy a winner, Brown a loser

By Ed Salzman

Let's put aside for the moment the names and party affiliations of the winners and take a look at the November 2nd election in terms of what it tells us about the vibrancy of the democratic process in America.

Just a bit over two years ago, this nation was brought to the brink of destruction by Watergate. Americans justifiably were more disillusioned than ever with the political system. Officeholders were rated lower than used-car salesmen. There was an exceptionally small turnout for the 1974 election in California and elsewhere. Apathy was supposed to have pervaded the public mind for the 1976 election, and voters were supposed to express further their contempt for the elective process.

Everyone knows that there was an unexpectedly large turnout of voters across the nation — but still poor by world standards. (The showing in California was about average but higher than had been predicted.) The voters did not flock to Eugene McCarthy and other minor-party candidates who offered an alternative for those wishing to display dissatisfaction with both political parties.

'Jimmy who?'

The real story of the 1976 election has been generally overlooked. Through the election of Jimmy Carter, the American people showed themselves and the world that the democratic process does work. Consider for a moment how Jimmy Carter became president. He held no public office at the time of his candidacy. He was in no way tied to big machines and had no connection with the seats of power in Washington and New York. Nobody gave "Jimmy Who?" a chance when he announced he was running for the presidency.

Yet, Carter went through all 50 states taking his smile directly to the people. The Democratic party was unable to deny him the nomination, and his election in November was almost anti-climactic.

The democratic process was also in action in the San Joaquin Valley of California, where Republican Howard Way retired from the state Senate. The seat was made to order for Republican Assemblyman Ernest Mobley. It didn't much matter who won the Democratic Party nomination. From the privacy of her farm and her accountancy practice came Rose Ann Vuich. She went out into the district and convinced voters that she would be a better risk than her opponent whom she charged had not produced anything of value for the district in all his years of service in Sacramento. Now, Rose Ann Vuich is the first female senator in the state's history.

Vuich, as it happens, was the only non-establishment candidate to win a state senate seat. All of her colleagues in the class of 1977 have served in the Assembly. (There also will be four new faces in the state's delegation in the federal House of Representatives and 18 new members of the state Assembly.)

This was a strange election for California. At the top of the ballot, the state went Republican, favoring President Ford over Carter and electing semanticist S. I. Hayakawa at the age of 70 to replace Democrat John V. Tunney in the United States Senate. But then these same voters increased the already-high Democratic majorities in the Congressional delegation and both houses of the Legislature. There are now 57 Democrats in the Assembly, almost an obscene number in terms of the two-party system.

High voter turnout was undoubtedly one of the factors in the Democratic success at the district level. The final turnout figures will not be available until the final canvass, but 77 percent of the 10 million registered voters cast ballots for president. This means that about 8 million Californians voted, or 80 percent of those on the rolls. The total registered for the election was about the same as for the last presidential election, indicating that Democrats did not maximize their opportunities to swell the rolls.

Although the presidential election was supposed to have many Californians turned off, it turned out that the U.S. Senate race proved a bigger problem for the electorate. Only 7.4 million voted in the Tunney-Hayakawa contest. Even Propositions 13 and 14 drew heavier vote totals.

The Orange puzzle

The most puzzling element in analyzing the election returns was the strange behavior of the voters in Orange and San Diego counties. These two counties gave Ford and Hayakawa their margins of victory, but they also turned on incumbent Republican legislators and replaced them with Democrats. In Orange County, even the most Republican Assembly district in the state went Democratic, albeit under special circumstances.

The election overall was full of small surprises. Governor Brown, for example, put his political prowess on the line in favor of Cesar Chavez' farm-labor initiative and the measure was overwhelmingly defeated. So was the $500 million housing finance bond issue sponsored by the Brown Admin-

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istration. Add the effects of Carter's victory on Brown's chances for the presidency in 1980 and it is clear that Brown was one of the big losers on November 2nd even though his name wasn't on the ballot.

On the Republican side, the defeat of Ford will make it easier for Ronald Reagan to get another shot at the presidency, if he should decide to give it a third try at the age of 69. In any event, the moderate wing of the Republican party lost ground, and the Reagan conservatives should regain command of the party machinery next year.

McCarthy biggest winner

The biggest individual winner was probably Assembly Speaker Leo McCarthy, who brought home the bumper harvest of Democrats in the Assembly and who was on the winning side in the Proposition 14 conflict. McCarthy's job now will be to keep his enormous power under restraint so that the public does not get an image of him as a dictator.

Overall, November 2nd was a good day for incumbents, despite the downfall of Tunney. Only one Congressman, Republican Burt Talcott of Salinas, was toppled. In the state Senate, age finally withered the appeal of Democrat Randolph Collier of Siskiyou County and Republican Jack Schrade of San Diego, both 74. Only two incumbent Assemblymen went down to defeat, Republicans Bob McLennan of Downey and Robert Burke of Huntington Beach.

In addition to Vuich, there will be five other women in the Legislature next year. But the contingent of five Assemblywomen is disappointing to women activists who felt that there would be six or more female Lower House members as a result of the election. Jane Tolmach of Oxnard, who had been expected to win, lost by a surprisingly large margin to Republican Charles Imbrecht of Ventura, who simply outcampaigned her.

This was not a year in California politics when much of anything could be taken for granted.

PRESIDENT: FORD OVER CARTER

Gerald Ford didn't win California's 45 electoral votes, Jimmy Carter lost them.

Ford's margin in the state was a mere 128,000 votes, and any semblance of an organized Carter campaign would have overcome that easily. Or, if Carter had remained mute on Proposition 14 instead of embracing it, he probably would have topped Ford.

The California Poll showed that Carter had a 20-point lead over Ford in mid-summer. By election day, the poll gave Ford a six percent lead, four points higher than the actual outcome. The Carter campaign in the state was almost nonexistent. Instead of employing experienced Californians to run the campaign, Carter chose to run the show from Atlanta through in-state campaign coordinator Terry O'Connell, an Easterner who knew almost nothing about the politics of California. Republicans are invariably loyal, but campaign organization is a requirement to maximize Democratic potential.

Thus, in California, there was no campaign geared especially to Californians. The appeal was based primarily on television commercials shown to everyone across the country. Carter did not ask Governor Jerry Brown to run the campaign, and Brown did not thrust himself on Carter. Brown chose to do his television campaigning for Proposition 14, not Carter.

The race in California probably would not even have been close had Carter taken a duck on the farm-labor initiative, had he worked closely with Brown and had he named an experienced Californian to head the campaign. Even with these deficiencies, he came remarkably close to carrying the state. He won Los Angeles County, and that usually would be sufficient for victory.

But Carter could not overcome enormous Ford votes in the former Republican heartland of Orange and San Diego counties. Ford came out of those two counties with a lead of 257,000 votes, almost double his statewide margin of victory. Over the past few elections, Orange and San Diego have been moving away from the Republicans. They came home for Ford and Senate GOP candidate S. I. Hayakawa but then abandoned the party in some key legislative races in the same area.

Maddox (AIP)	50,559	(1%)
MacBride (Ind.)	55,582	(1%)
Ford (R-Inc.)	**3,836,335**	**(50%)**
Wright (P&F)	41,616	(1%)
Hall (Ind.)	12,791	
Camejo (Ind.)	17,083	
Carter (D)	3,708,650	(48%)

UNITED STATES SENATE: HAYAKAWA COUP

Like Jimmy Carter and Rose Ann Vuich, Samuel Ichiye Hayakawa proved this year that the democratic system does provide opportunities for those outside the political establishment. The 70-year-old semanticist parlayed one symbolic act — the ripping of the wires on a student sound truck — into a political career.

As a candidate for Senate, the former Democrat took some surprisingly conservative views. Those stands worked well for him. He won the election by 227,000 votes over the incumbent, John Tunney. That margin was provided by the conservative counties of Orange and San Diego, which gave him a 257,000-vote advantage.

This was an election that probably would not have even been close had Tunney not allowed himself to become estranged from the California voters during his first four years in office. He stayed in Washington and built a record that was better than his reputation. When he discovered he was considered an aloof easterner by many Californians, he rushed home to mend fences so that he could be reelected. While campaigning in California, he was forced to miss roll calls in Washington, giving Hayakawa an opportunity to nail him on a record of absenteeism.

Tunney was hurt by the Tom Hayden challenge in the primary. The election returns indicate that many thousands of Democrats probably did not vote in the Senate race. Hayakawa carried some counties with large Democratic registrations: Fresno, Sacramento and Santa Clara among them. These are not heavy liberal counties, indicating that it was the working-class Democrat who switched to Hayakawa.

The Rose Institute at Claremont Men's College came up

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with an interesting explanation of the big dropoff from the presidential to the senatorial vote — the ballot in Los Angeles County was so arranged that it was easy for a voter to overlook the names of the Senate candidates. The dropoff in Los Angeles County, according to the Institute, was 336,000 or 17 percent of the total vote in the county. This was most pronounced in those areas where Tunney had expected to do best. It is doubtful, however, that this factor could have caused Tunney's defeat because Tunney carried the county by only three percent.

Musa (Ind.)	31,403	
McCoy (AIP)	81,916	(1%)
Tunney (D-Inc.)	3,473,433	(47%)
Wald (P&F)	103,201	(1%)
Hayakawa (R)	**3,700,386**	**(50%)**

PROPOSITIONS: SELECTIVE VOTING

The two initiatives that provided all the fireworks among the 15 propositions on the state ballot turned out to be walkaways for the negative side. By overwhelming margins, voters turned back attempts to legalize wagering on dog racing in California and to enact a farm-labor law sponsored by Cesar Chavez' United Farm Workers. Perhaps even more significant was the attitude of the voters toward three bond issues that headed the ballot. The Brown Administration's $500 million housing proposal was rejected by more than a million votes, as was a $25 million proposal designed to spur the construction of solar-energy devices. A $280 million bond issue for the purchase of coastal parks carried by only 200,000 votes. Does this mean that California voters are reaching the end of their rope with the use of bond financing for most purposes?

Proposition 1 — Would have provided $500 million for the construction and rehabilitation of homes for low- and moderate-income Californians.

For	2,994,372	(43%)
Against	**4,009,178**	**(57%)**

The defeat of this proposition was a setback for the Brown Administration, which has been struggling to get a state-sponsored housing construction program off the ground. Governor Brown did not personally fight for passage of the measure, which carried the traditional liberal counties of San Francisco and Alameda plus two counties with large student votes, Santa Cruz and Yolo.

Proposition 2 — Provides $280 million for the acquisition and development of state and local parks and recreational facilities.

For	**3,618,330**	**(51%)**
Against	3,410,646	(49%)

The voters who have generally been receptive in the past to park bond issues sounded the warning flag with this narrow margin of approval. The measure carried only 15 counties, losing in Los Angeles and Orange, but winning in San Diego and the large San Francisco Bay Area counties.

Proposition 3 — Would have provided $25 million for low-interest loans to individuals installing insulation or solar-energy devices in their homes.

For	2,853,723	(41%)
Against	**4,050,301**	**(59%)**

It is difficult to determine whether the public's overwhelming disapproval of this measure stems from opposition to subsidies for certain individuals, opposition to use of bond financing in such a relatively small amount, a general negative feeling about the state of solar energy or a general opposition to expansion of government. The measure carried only San Francisco county.

Proposition 4 — Allows the Legislature to specify competitive-bidding procedures at the University of California.

For	**3,748,791**	**(54%)**
Against	3,133,195	(46%)

The voters apparently were not convinced that this measure would have violated the traditional independence of the University from political interference. The proposition carried 41 counties, lost in 17 (including San Francisco).

Proposition 5 — Would have revised the California usury law so that interest rates on some business loans could exceed 10 percent under limited conditions.

For	3,204,392	(47%)
Against	**3,617,880**	**(53%)**

For the second time within five months, voters turned down this complex proposal. It carried six counties, including San Francisco, San Bernardino and San Diego.

Proposition 6 — Would have given the Governor 30 days instead of the current 12 to decide whether to veto a bill following the Legislature's recess in odd-numbered years.

For	2,847,918	(43%)
Against	**3,748,444**	**(57%)**

Voters were apparently impressed with the argument that this proposition could have jeopardized the right of referendum in cases where bills are enacted near the end of the year. The margin of defeat was surprising. The measure carried in only five counties.

Proposition 7 — Revises the state's system of removing and censuring judges.

For	**5,590,236**	**(83%)**
Against	1,139,287	(17%)

The voters in every county apparently like the idea of making it somewhat easier to discipline and remove judges who are not doing an acceptable job.

Proposition 8 — Authorizes selection of county school superintendents in all counties either by election or appointment.

For	**3,553,252**	**(53%)**
Against	3,106,366	(47%)

The vote varied greatly from county to county on this measure, depending on the local school situation. It carried despite rejection in Los Angeles, Orange, Kern and a total of 25 counties.

Proposition 9 — Requires both Assembly and Senate confirmation of gubernatorial appointees to fill vacancies in state constitutional offices.

For	**4,350,746**	**(66%)**
Against	2,244,900	(34%)

Only the voters of Modoc and San Benito counties opted for retaining the unchecked power of appointment by the governor.

Proposition 10 — Prohibits a new multi-county special district from levying a property tax without prior approval from the voters.

For	**5,332,149**	**(80%)**
Against	1,352,688	(20%)

Now here was a measure that fell right into the mood of the electorate rebelling against increasing property taxes.

Proposition 11 — Guarantees taxation of portable property on the same basis as land and buildings in the event the Legislature changes the assessment ratio.

For	**4,629,500**	**(72%)**
Against	1,816,856	(28%)

Only by reading the voter's pamphlet could the voters have understood this complex measure and reached consensus.

Proposition 12 — Would have implemented Proposition 3 by authorizing low-interest state loans for solar heating-and-cooling systems.

For	3,281,428	(49%)
Against	**3,423,038**	**(51%)**

Voters came much closer to approving this enabling act than the funding measure, Proposition 3. Perhaps it was the bonding notion that bothered quite a few voters more than the overall subsidy concept.

Proposition 13 — Would have legalized wagering on dog racing in California.

For	1,861,083	(25%)
Against	**5,695,976**	**(75%)**

Dog-racing promoter George G. Hardie saw his grand plan go off the track with this overwhelming defeat of his initiative proposal. It was defeated in every county and was opposed by almost every major newspaper in the state. The voters were not at all convinced that the income from greyhound wagering would provide tax relief.

Proposition 14 — Would have reenacted the Agricultural Labor Relations Act of 1975 with some alterations and with the direction that the Legislature appropriate the necessary funds for implementation.

For	2,880,215	(38%)
Against	**4,733,577**	**(62%)**

This was a crushing defeat for Cesar Chavez and Governor Brown. The question is how much of a victory it was for the state's growers. The Agricultural Labor Relations Act is still on the statute books and is being implemented. Will the farmers try to use this vote as a means of weakening the law or withholding appropriations to the Agricultural Labor Relations Board? The measure carried only the two traditional liberal counties

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of Alameda and San Francisco, and then by narrow margins.

Early in the initiative campaign it appeared that Chavez might win. He had a full head of steam after qualifying the measure for the ballot in a record 29 days. He had the sympathy of the urban electorate because the farmers were employing tactics in Sacramento to prevent operation of the ALRB. But as the campaign started rolling, the ALRB went back into operation and the voters started thinking of Chavez in other terms. Polls indicate that voters were turned off by militant unions, and the emotional property-rights campaign run against the measure by growers may have been a secondary element.

Neither side addressed the real issue posed by the initiative. The growers said property rights were threatened; but the access rule they opposed in the initiative was already in operation and declared legal by the courts. The Governor and Chavez emphasized the right to vote; that too was guaranteed under the current law. The real issue was whether this measure should have been placed in the statute books by initiative so that it could be changed only by another vote of the people.

Proposition 15 — Adds two public members to the state Board of Chiropractic Examiners and increases educational and licensing requirements for chiropractors.

For	**5,581,084**	**(81%)**
Against	1,303,112	(19%)

Voters in every county decided by a wide margin that there was nothing in this proposal to break their backs.

CONGRESS: STATUS QUO

As expected, this was the dullest element in the California election mix. The Democrats started with a 28-15 majority of the delegation, and they increased the margin to 29-14. There will be only four new representatives in the 1977-78 delegation. Democrat Anthony Beilenson of Beverly Hills and Republican Robert Badham of Orange County won seats handily in one-party districts.

Republicans managed to hold one of two districts that were hotly contested. The loser was incumbent Burt Talcott of Salinas, who lost to former Republican Leon Panetta. But conservative broadcaster Robert Dornan held the Alphonzo Bell seat along the Los Angeles coast by defeating Democrat Gary Familian in the nastiest contest of the year.

Three freshman Democrats who won by narrow margins in Southern California two years ago were reelected, but Mark Hannaford of the Long Beach area suffered a close call.

District 1 (58%D-35%R)

Johnson (D-Inc.)	**159,090**	**(74%)**
Taylor (R)	56,040	(26%)

The veteran Bizz Johnson of Roseville has become an institution in the cow counties, and he shows no sign of slowing down at the age of 69.

District 2 (58%D-34%R)

Clausen (R-Inc.)	**120,840**	**(56%)**
Klee (D)	88,200	(41%)
Allred (P&F)	6,305	(3%)

The ballad of Oscar Klee didn't entrance the voters quite so well the second time around. The colorful Klee, known best for his fight with IRS, came much closer to knocking off veteran Don Clausen of Crescent City two years ago.

District 3 (62%D-31%R)

Moss (D-Inc.)	**138,367**	**(73%)**
Marsh (R)	51,434	(27%)

John Moss of Sacramento, dean of the delegation, can win merely by placing his name on the ballot.

District 4 (64%D-29%R)

Leggett (D-Inc.)	**75,626**	**(50.2%)**
Dehr (R)	74,909	(49.8%)
Sheedy (write-in)	approx. 11,000	

This was one of the most interesting Congressional races in the country. Incumbent Robert Leggett of Solano County used to win in a walk. But publicity about his sex life and possible connection with the South Korean government made him vulnerable this time. The write-in candidacy of Sacramento County Supervisor Ted Sheedy made the race close and gave Republican Al Dehr a good chance of victory. The question now is whether Leggett can survive a primary in 1978.

District 5 (59%D-29%R)

John Burton (D-Inc.)	**102,829**	**(62%)**
Fanning (R)	63,668	(38%)

The younger of San Francisco's Burton brothers dug himself a bit deeper into this district, even defeating Republican Branwell Fanning of Tiberon on his home Marin turf.

District 6 (69%D-21%R)

Phil Burton (D-Inc.)	**85,245**	**(66%)**
Heaps (AIP)	2,577	(2%)
Spinosa (R)	34,843	(27%)
Siegel (P&F)	6,619	(5%)

Phil Burton's biggest problems these days have to do with leadership elections in Washington, not his solid San Francisco constituency. Burton has his eye on the House speakership after Tip O'Neill retires.

District 7 (60%D-33%R)

Miller (D-Inc.)	**146,314**	**(75%)**
Vickers (R)	45,538	(23%)
Stanley (AIP)	3,871	(2%)

George Miller of Martinez won his second term by such a wide margin that he will probably scare off serious opposition for years to come.

District 8 (64%D-26%R)

Dellums (D-Inc.)	**119,666**	**(62%)**
Breck (R)	67,455	(35%)
Evans (P&F)	6,016	(3%)

This was an impressive victory for Ron Dellums of Berkeley, who won in 1974 by 20,000 fewer votes.

District 9 (64%D-29%R)

Stark (D-Inc.)	**114,247**	**(71%)**
Mills (R)	43,678	(27%)
Sargis (P&F)	3,239	(2%)

The results are about par for the course in this solid-Democratic district for Pete Stark of Oakland.

District 10 (65%D-25%R)

Edwards (D-Inc.)	**110,806**	**(72%)**
Smith (R)	37,746	(25%)
Kaiser (AIP)	5,264	(3%)

Don Edwards of San Jose hasn't had a tough fight since 1962.

District 11 (58%D-34%R)

Ryan (D-Inc.)	**107,193**	**(61%)**
Jones (R)	62,088	(35%)
Kudrovzeff (AIP)	6,119	(4%)

This was supposed to be one of the Republican target districts. Incumbent Leo Ryan of South San Francisco saw his margin cut somewhat from 1974, but he still ran ahead of registration.

District 12 (53%D-38%R)

McCloskey (R-Inc.)	**129,180**	**(66%)**
Harris (D)	60,872	(31%)
Cooney (AIP)	4,963	(3%)

This contest prompted some of the most irresponsible journalism of the campaign in California. From reading the media, one might have thought that David Harris had a chance of unseating Republican Pete McCloskey of Menlo Park. Reporters were caught up with Harris as an interesting candidate and gave the public the impression the election was close. In fact, Harris never had a chance.

District 13 (54%D-38%R)

Mineta (D-Inc.)	**134,734**	**(67%)**
Konnyu (R)	62,888	(31%)
Herrell (AIP)	4,169	(2%)

This is nominally a marginal district, but Norman Mineta of San Jose is so popular he has taken all the risk out of the contest.

District 14 (58%D-35%R)

McFall (D-Inc.)	**122,349**	**(73%)**
Blain (R)	46,323	(27%)

John McFall of Manteca campaigns as though he has a problem, but his real contest is in Washington where he is trying to move up the leadership ladder and is not doing very well.

District 15 (64%D-30%R)

Sisk (D-Inc.)	**92,200**	**(71%)**
Harner (R)	36,851	(29%)

The veteran B. F. Sisk of Fresno manages to keep in perfect harmony with his central valley constituents.

District 16 (57%D-36%R)

Talcott (R-Inc.)	90,490	(47%)
Panetta (D)	**103,872**	**(53%)**

The handwriting has been on the wall for Burt Talcott of Salinas for some time. He barely managed to win in 1974. The winner, Democrat Leon Panetta, is a former Republican who headed the civil rights section of the federal Department of Health, Education and Welfare (and left following a hassle with the Nixon Administration).

Panetta

District 17 (58%D-36%R)

Krebs (D-Inc.)	**102,521**	**(66%)**
Andreas (R)	53,609	(34%)

Key to Statistics

Registration percentages are those in effect on November 2nd and do not include minor parties or those who decline a party affiliation.

Election returns are from the semi-official canvass compiled by the Secretary of State's office.

Names of winners are in **bold-face** type.

Abbreviations: **Inc.** for incumbemt, **D** for Democrat, **R** for Republican, **P&F** for Peace and Freedom, **AIP** for American Independent, **Ind.** for Independent.

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John Krebs of Fresno won this seat two years ago by defeating former Congressman Bob Mathias of track fame. This year, he solidified his grasp on the district.

District 18 (57%D-38%R)
Ketchum (R-Inc.) 101,093 (64%)
Close (D) 56,431 (36%)
Bill Ketchum of Bakersfield is one of the state's superior campaigners, and registration statistics mean nothing when he's running.

District 19 (55%D-36%R)
Lagomarsino (R-Inc.) 123,598 (64%)
Sisson (D) 68,399 (36%)
Republican Robert Lagomarsino of Ventura was supposed to be getting a run for his money this time, but the threat turned out to be an illusion conjured by Democrat Dan Sisson's Santa Barbara supporters.

District 20 (49%D-44%R)
Goldwater (R-Inc.) 144,748 (67%)
P. Corman (D 70,420 (33%)
Democrat Patti Lear Corman won a great deal of publicity when she broke up with her Congressman husband to challenge Barry Goldwater Jr. of Woodland Hills, but she lost by a far greater margin than another woman, Arline Mathews, two years ago.

District 21 (63%D-31%R)
James Corman (D-Inc.) 100,628 (66%)
Hogan (R) 43,536 (29%)
Hill (P&F) 7,073 (5%)
Jim Corman of Encino didn't seem to lose any popularity as a result of his public tiff with his wife (see district 20).

District 22 (45%D-48%R)
Moorhead (R-Inc.) 112,885 (63%)
Salley (D) 67,543 (37%)
Life was more comfortable for Carlos Moorhead of Glendale this year without the opposition of the Los Angeles Times and a fading of Watergate memories.

District 23 (64%D-30%R)
Beilenson (D 128,742 (60%)
Bartman (R) 85,252 (40%)
State Senator Anthony Beilenson of Los Angeles will succeed Democrat Tom Rees, who elected not to run again for this safe Democratic seat. Now the question is who will replace Beilenson in the Senate – probably Assemblyman Alan Sieroty – and who then will take Sieroty's seat in the Assembly.

District 24 (62%D-29%R)
Waxman (D-Inc.) 106,676 (68%)
Simmons (R) 50,449 (32%)
Henry Waxman of Los Angeles is so solidly entrenched in his own district that he can afford the luxury of putting his energies into other races.

District 25 (71%D-21%R)
Roybal (D-Inc.) 57,257 (72%)
Madrid (R) 17,368 (22%)
Seals (P&F) 4,809 (6%)
Ed Roybal of Los Angeles is always a shoo-in from this low-turnout Chicano district.

District 26 (47%D-47%R)
Rousselot (R-Inc.) 111,179 (66%)
Latta (D) 58,472 (34%)
John Rousselot of San Marino hasn't had a rough election in many years, and won't unless he is reapportioned adversely.

District 27 (50%D-41%R)
Dornan (R) 112,675 (55%)
Familian (D) 93,414 (45%)
This was the most bruising congressional race in the state. Democrat Gary Familian had a chance because Republicans nominated ultra-conservative broadcaster Robert Dornan to succeed GOP incumbent Alphonzo Bell in this Los Angeles coastal district. But Familian practiced overkill, and his slashing attack on Dornan even lost him the Los Angeles Times endorsement he had previously won. Masses of money were poured into the race on both sides, but in the end the electorate went along with its Republican tradition.

District 28 (76%D-18%R)
Burke (D-Inc.) 113,390 (80%)
Skinner (R) 27,894 (20%)
Yvonne Brathwaite Burke of Los Angeles even runs ahead of registration in a 76-percent district.

District 29 (84%D-12%R)
Hawkins (D-Inc.) 81,688 (86%)
Germonprez (R) 10,684 (11%)
Leburg (Ind.) 3,183 (3%)
The veteran Gus Hawkins of Los Angeles shows no sign of retiring even though he will be 71 at the end of his new term.

District 30 (71%D-22%R)
Danielson (D-Inc.) 81,966 (74%)
Couch (R) 28,167 (26%)
This is about par for the course for George Danielson of Monterey Park.

District 31 (75%D-19%R)
Wilson (D-Inc.) 82,394
Charles Wilson of Hawthorne never needs to sweat a general election.

District 32 (65%D-28%R)
Anderson (D-Inc.) 91,163 (72%)
Young (R) 34,937 (28%)
Former Lieutenant Governor Glenn Anderson of Harbor City has had an easy life since leaving Sacramento.

District 33 (54%D-39%R)
Clawson (R-Inc.) 94,310 (55%)
Snyder (D) 77,037 (45%)
Democrats always seem to get within shooting distance of Del Clawson of Downey, but they don't seem to get close enough for the party to call out the heavy artillery.

District 34 (55%D-38%R)
Hannaford (D-Inc.) 99,858 (51%)
Lungren (R) 96,992 (49%)
Freshman Mark Hannaford of Lakewood came closer to losing than any other Democratic incumbent, and the Republicans will probably shoot the works against him next time around.

District 35 (53%D-40%R)
Lloyd (D-Inc.) 86,607 (53%)
Brutocao (R) 75,957 (47%)
Jim Lloyd of West Covina was a prime Republican target but former Mayor Louis Brutocao of Covina couldn't break away enough Democratic votes. Lloyd's vote was exactly even with his party registration.

District 36 (61%D-31%R)
Brown (D-Inc.) 90,415 (62%)
Carner (R) 49,075 (33%)
Pasley (AIP) 7,321 (5%)
George Brown of Colton has a lock on this district.

District 37 (50%D-43%R)
Pettis (R-Inc.) 132,997 (71%)
Nilson (D) 48,768 (26%)
Wahl (AIP) 5,311 (3%)
Shirley Pettis of Loma Linda may even have built a base larger than that of her late husband, who preceded her in Congress. And that's saying a great deal.

District 38 (56%D-36%R)
Patterson (D-Inc.) 101,962 (64%)
Combs (R) 58,279 (36%)
For a freshman from a supposedly marginal district, Jerry Patterson of Buena Park ran like gangbusters. This kind of a performance will scare the Republican heavy guns away.

District 39 (44%D-48%R)
Wiggins (R-Inc.) 119,338 (58%)
Farris (D) 84,855 (42%)
Considering the complexion of this district, Charles Wiggins of Fullerton didn't do too well. Democrat Bill Farris also tackled Wiggins two years ago and came reasonably close (24,000 votes), but that was right after Watergate.

District 40 (39%D-52%R)
Badham (R) 143,336 (59%)
Hall (D) 99,042 (41%)
Assemblyman Robert Badham of Newport Beach won this seat in the primary after the incumbent, Andrew Hinshaw, was convicted of bribery. Democrat Vivian Hall ran a strong race, considering the district.

District 41 (50%D-40%R)
Wilson (R-Inc.) 126,609 (58%)
Golden (D) 93,178 (42%)
Bob Wilson of San Diego won by only a slightly higher percentage of the two-party vote this time than he did two years ago when he was a national Democratic target.

District 42 (59%D-31%R)
Van Deerlin (D-Inc.) 101,364 (76%)
Marden (R) 31,850 (24%)
For Lionel Van Deerlin of Chula Vista, this is even a larger victory margin than usual.

District 43 (45%D-45%R)
Burgener (R-Inc.) 170,749 (65%)
Kelly (D) 92,300 (35%)
This tally makes Clair Burgener of La Jolla the biggest vote-getter in the delegation.

State Senate: One Short

Half of the Senate's 40 seats were contested this year, and the Democrats needed only an even break to gain a two-thirds majority with 27 votes. This is because the Democrats won 17 of the 20 even-numbered seats on the ballot two years ago.

But the Republicans managed to capture 11 of the 20 odd-numbered seats this year, leaving the Democrats with a 26-14 majority. Two Democratic incumbents were defeated — the veteran Randolph Collier of Siskiyou County and James Wedworth of Los Angeles. Wedworth had virtually been taken out of the Senate by reapportionment, but Collier fell victim to age as did Republican Jack Schrade of San Diego. At 74, Collier and Schrade were the oldest members of the Senate.

Of the nine new faces in the Senate, eight will be those of former Assembly members. The ninth will be Rose Ann Vuich, who defeated Assemblyman Ernest Mobley to become the first woman senator in California history. Three other Democratic women supposedly with better chances than Vuich were defeated — Sabrina Schiller, Renee Simon and Betty Wilson.

District 1 (58%D-35%R)
Collier (D-Inc.) 105,969 (46%)
Johnson (R) 126,441 (54%)
The "father of the freeways," Randolph Collier, was retired from the Senate after 28 years by the superior campaigning of former Assemblyman Ray Johnson of Chico. Johnson has been criss-crossing the sprawling 15-county district for three years shaking hands and setting the stage for this election. Shasta and Butte counties gave Johnson his margin of victory.

District 3 (62%D-31%R)
Rodda (D-Inc.) 153,602
Albert Rodda, 64, is now the dean of the Senate. He has talked of retirement but keeps running, to

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San Joaquin's Senator Vuich —farmer, accountant, woman

Fresno Bee

By Ray Steele Jr.

A Tulare County native, Rose Ann Vuich, stunned political pundits, women's political groups and her Republican opponent by becoming the state's first woman senator. Although she never mentioned the issue in the campaign, many voters and newspapers felt that the 49-year-old Vuich, who was born, reared and educated in Tulare County and is now a successful accountant and family farmer there, was the only possible link they could have with the activities of alien Sacramento.

Added to that was a campaign which portrayed her opponent, Fresno Republican Assemblyman Ernest N. Mobley, as a do-nothing legislator who, in 10 years of public office, never lived up to his promises as a spokesman for San Joaquin Valley interests. The differences between the candidates were often defined in shades of gray, with Vuich offering herself as more attuned to local interests and more aggressive.

Using similar tactics and the same advertising agency which helped the current Fresno Congressman John Krebs dump former Olympic champion Bob Mathias two years ago, Vuich concentrated on three issues: leadership, or the lack of it, a promised but uncompleted freeway system and farm-labor legislation.

Freeway issue

She pointed out Mobley voted money to build a freeway in Southern California but couldn't get the started-but-never-completed freeway in the middle of Fresno finished. Both Vuich and Mobley opposed Proposition 14, the farm-labor initiative, but she isolated Mobley by saying he never favored any farm-labor legislation. She said she supported the 1975 farm-labor law but wanted some changes, though not to the extent of strangling the whole mechanism.

Of the four women seeking Senate seats in the state, public opinion polls gave Vuich the least chance of winning, especially considering the Christmas-tree shaped 15th district where voters register Democratic three-to-two but usually vote in reverse.

The district includes all of Tulare and Kings Counties, the eastern section of Fresno County with a big chunk of the city of Fresno, and a slice of northern Kern County. It is a district of opposites: small towns dependent on the success of farmers and big cities with urban problems; wealthy business and professional people and pockets of poverty with people reliant on public assistance programs; agribusiness giants with landholdings of more than 50,000 acres and small, family farms with 10-, 20- and 40-acre parcels.

It is a predominantly white area, yet sprinkled with settlements containing Mexican, Armenian, Filipino, Japanese, Swedish and Slavic surnames. Vuich is the daughter of Yugoslavian immigrants and lives with her mother and brother.

Chamber president

She has logged 25 years of experience as an accountant, more than a decade of work in Democratic party politics, service on hospital and fair boards and a successful term as the first woman president of the Dinuba Chamber of Commerce.

Vuich won the three-candidate primary by only 242 votes. Nine weeks before the general election, one private poll (which accurately predicted the outcome of a close Assembly race enclosed in her district) showed Vuich trailing Mobley by 32 points. By mid-October, her popularity slipped another two points.

Until just days before the election, Mobley failed to combat the do-nothing image Vuich painted. After a tough first election in 1966, Mobley had usually faced token opposition and overconfidently assumed Vuich was little more than that.

But Vuich was confident her native-daughter status would give her a substantial margin of votes in Tulare and Kings Counties, so for the last three weeks of the campaign, she concentrated on selected precincts in the populous Fresno-Clovis area. On election day, she gained enough of an edge there and in other cities to offset her huge loss in rural Fresno County, Mobley's traditional stronghold. She won by a 2,890-vote margin and even carried Mobley's home town of Sanger by 30 votes.

Because of her experience with tax laws, hospitals and the farming community, Vuich plans to work for tax reform, medical malpractice insurance, health care facilities for the district, more equitable farm rules from the ALRB and further farm-labor legislation.

Her physical presence in the state Senate will be obvious. Her constituents are hoping her legislative achievements will be equally visible.

The author is a reporter for the Fresno Bee.

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Ray Johnson

Garamendi

Nimmo

Beverly

the obvious delight of his constituents.

District 5 (67%D-21%R)
Marks (R-Inc.) 73,058 (50%)
Mendelsohn (D) 66,263 (45%)
Blong (P&F) 6,681 (5%)
The political battlefield is strewn with the bodies of those who look at the registration statistics in San Francisco and think they can defeat liberal Republican Milton Marks. The latest victim is Supervisor Bob Mendelsohn. Marks does it by tireless handshake campaigning.

District 7 (60%D-33%R)
Nejedly (R-Inc.) 136,777 (64%)
Beserra (D) 73,437 (34%)
Dietrich (AIP) 4,984 (2%)
John Nejedly of Walnut Creek is an environmentalist and former district attorney with a nonpartisan image in his district, which could well go Democratic when he departs.

District 9 (63%D-27%R)
Petris (D-Inc.) 129,461 (67%)
Lichtenthal (R) 50,245 (26%)
Lee (P&F) 12,950 (7%)
Liberal Nicholas Petris of Oakland ran like gangbusters in the large Alameda County section of the district but ran behind his Republican opponent in the more conservative Contra Costa County segment.

District 11 (60%D-31%R)
Alquist (D-Inc.) 135,935 (72%)
Turpen (R) 45,671 (24%)
Reed (AIP) 8,167 (4%)
At 68, Al Alquist of San Jose is now the oldest member of the Senate.

District 13 (59%D-34%R)
Garamendi (D) 104,203 (53%)
Whitten (R) 92,149 (47%)
Assemblyman John Garamendi of Mokelumne Hill outcampaigned television anchorman Bob Whitten for the seat vacated by Republican Clare Berryhill of Stanislaus County. This was a high-priority district for both parties.

District 15 (58%D-36%R)
Mobley (R) 81,283 (49%)
Vuich (D) 83,911 (51%)
The retirement of Republican Howard Way of Tulare was supposed to have left this district made to order for Assemblyman Ernest Mobley of Fresno. But out of her Dinuba farm came Rose Ann Vuich with a claim that Mobley had done nothing for his constituents during a decade in the Assembly. She made it stick and upset Mobley to become the first woman in state Senate history.

District 17 (56%D-36%R)
Nimmo (R) 102,014 (50.3%)
Harry (D) 100,818 (49.7%)
Republican Donald Grunsky retired this year, and Assemblyman Bob Nimmo of Atascadero figured to take the district with ease. He did win, but former Santa Cruz supervisor Phil Harry came within a whisker of an upset.

District 19 (50%D-43%R)
Cusanovich (R-Inc.) 112,266 (50.2%)
Schiller (D) 111,567 (49.8%)
Lou Cusanovich of Westlake Village normally would have had little difficulty winning reelection in this Republican-oriented district. But he ran into a super campaigner in actress Sabrina Schiller, who came so close that the gears are already moving for a rematch in 1980.

District 21 (45%D-49%R)
Russell (R-Inc.) 124,893 (66%)
Loftus (D) 65,354 (34%)
Newt Russell of Montrose has found a home in the Senate.

District 23 (64%D-27%R)
Roberti (D-Inc.) 108,811 (69%)
Adams (R) 48,001 (31%)
This was another breeze year for Democratic floor leader David Roberti of Los Angeles.

District 25 (47%D-47%R)
Richardson (R-Inc.) 123,358 (65%)
Barbatoe (D) 65,652 (35%)
Bill Richardson of Arcadia spent much more time trying to elect fellow gun supporters than worrying about his own race.

District 27 (52%D-40%R)
Wedworth (D-Inc.) 69,681 (39%)
Beverly (R) 110,100 (61%)
Reapportionment put Republican Bob Stevens and Democrat Jim Wedworth in the same coastal Los Angeles district. Stevens retired, and Assemblyman Bob Beverly jumped into the race. The district has a Republican tradition, and Beverly made the most of it.

District 29 (83%D-12%R)
Greene (D-Inc.) 76,239 (82%)
Dunlap (R) 16,616 (18%)
This is the safest Democratic district in the state, and Bill Greene of Watts need fear only the primaries.

District 31 (60%D-33%R)
Deukmejian (R-Inc.) 92,734 (52%)
Simon (D) 84,507 (48%)
On paper, this reapportioned district looked ripe for Democratic picking. Women throughout California had their eyes on this Long Beach district on the assumption that Councilwoman Renee Simon had a golden opportunity. But Republican floor leader George Deukmejian has built a strong following among Democrats and managed to make up the large registration gap.

District 33 (55%D-39%R)
Campbell (R) 96,831 (54%)
Wilson (D) 83,106 (46%)
There was no incumbent in this district, created through redistricting. But it was made to order for Assemblyman Bill Campbell of Hacienda Heights, who had campaigned in the area in various other races. Councilwoman Betty Wilson of Santa Fe Springs made the contest close.

District 35 (44%D-48%R)
Briggs (R) 124,710 (58%)
Bell (D) 90,275 (42%)
Assemblyman John Briggs of Fullerton won this seat in the primary. The incumbent was the retiring James Whetmore.

District 37 (55%D-37%R)
Carpenter (D) 117,514 (67%)
Norton (R) 56,775 (33%)
Now there are two Senator Carpenters from Orange County, Democrat Paul of Cypress and Republican Dennis of Newport Beach. Freshman Assemblyman Paul Carpenter won this contest in a non-incumbent district with ease because, while both he and his opponent, Loran "Kojak" Norton, had been recipients of adverse publicity in the investigation of Dr. Louis Cella, Norton was hit harder.

District 39 (50%D-39%R)
Schrade (R-Inc.) 80,425 (35%)
Wilson (D) 151,541 (65%)
Veteran Republican Jack Schrade of San Diego was in trouble, and everyone knew it. Although his district was basically Republican, Schrade had age (74), some adverse publicity and especially a hotshot opponent against him. But no one could have guessed how deeply in trouble he was. Assemblyman Bob Wilson rolled up more votes than any other Senate candidate in a contested race. (Schrade ran four percentage points below his Republican registration.)

ASSEMBLY: OVERWHELMINGLY DEMOCRATIC

Going into the 1976 elections, the Republicans held only 25 of the 80 seats in the Assembly — hardly enough to accomplish anything without the cooperation of dissident Democrats. The GOP goal at a minimum was to reduce the Democratic majority below the two-thirds mark of 54. But the pendulum kept swinging in the other direction, and Assembly Speaker Leo McCarthy led a campaign that resulted in the Democrats coming away with a whopping 57-23 majority.

Not a single Democratic incumbent was defeated. The Republicans lost two incumbents, Bob McLennan of Downey and Robert Burke of Huntington Beach, plus the most Republican district in the state, the one abandoned by Congressman-elect Robert Badham of Newport Beach.

There were 16 seats in which there was no incumbent running. Each party took three seats previously held by the other. Thus the Democrats made their gains in a relatively small section of the state covering southeastern Los Angeles County and the northern Orange coast.

The new Assembly will have five women, one fewer than had been anticipated. Jane Tolmach of Oxnard, an early favorite, was defeated by Republican Charles Imbrecht while none of the women in marginal races were elected.

One of the interesting members of the freshman class is William Dannemeyer of Orange County, who served as a

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Democrat in the Lower House from 1963 to 1966. He is returning as a Republican, having won the seat vacated by John Briggs, who moved up to the Senate.

District 1 (59%D-34%R)
Smith (D) 51,412 (43%)
Statham (R) 69,439 (57%)
A wide-open contest was prompted by the retirement of Democrat Pauline Davis from this seat. Democrat Betty Smith, a Chico councilwoman, was hurt by Davis' pointed failure not to support her. Television newscaster Stan Statham ran an aggressive campaign to win handily.

District 2 (60%D-32%R)
Keene (D-Inc.) 74,018 (67%)
Spencer (R) 30,372 (28%)
Patrick (P&F) 5,635 (5%)
Barry Keene of Eureka has made his mark as a major force in the Legislature, and the voters responded.

District 3 (56%D-37%R)
Chappie (R-Inc.) 61,148 (55%)
Shaw (D) 50,206 (45%)
Republican Gene Chappie of Roseville squeaked through in 1974, and this encouraged Democrats to make an all-out assault this year. But Chappie had consolidated his position by working hard in those parts of the district that were new to him in 1974.

District 4 (62%D-30%R)
Fazio (D-Inc.) 74,397 (74%)
Lewis (R) 26,516 (26%)
Democrat Vic Fazio of Sacramento won this seat in a tight special election, but he faced only token opposition this year.

District 5 (61%D-31%R)
Gualco (D-Inc.) 67,131 (71%)
Jeter (R) 27,138 (29%)
Gene Gualco of Sacramento solidified his grasp on this district after campaigning harder than necessary.

District 6 (63%D-30%R)
Greene (D-Inc.) 71,052 (70%)
Vandegriff (R) 30,439 (30%)
Leroy Greene of Sacramento need fear only the Democratic primary with this kind of a performance.

District 7 (57%D-36%R)
Waters (D) 61,106 (55%)
Parises (R) 49,877 (45%)
Former Supervisor Norman Waters of Plymouth ran an aggressive campaign to defeat former Supervisor Dan Parises of Lodi for the seat vacated by Democrat John Garamendi, elected to the state Senate. This was a high-priority district for both parties.

District 8 (59%D-35%R)
Gage (D) 55,966 (50%)
Greenslate (R) 53,037 (47%)
Depenau (P&F) 2,885 (3%)
This was a major disappointment for the Republicans who thought they would take the seat behind Ron Greenslate of Napa following the death of the incumbent, Democrat Alfred Siegler. But the Democrats selected Senate staffer Mike Gage of Napa, and he managed to pull it out.

District 9 (54%D-35%R)
Wornum (D-Inc.) 58,974 (49%)
Miskimen (R) 55,460 (47%)
Dias (P&F) 4,597 (4%)
Freshman Michael Wornum of Mill Valley was a target of the Republicans, but he managed to win reelection despite winning less than half the votes. Wornum faces a rebuilding job to prevent a further assault in 1978.

District 10 (54%D-39%R)
Boatwright (D-Inc.) 84,584 (71%)
Graves (R) 33,965 (29%)
Dan Boatwright of Concord, chairman of the ways and means committee, made a shambles out of the notion that he represents a marginal district.

District 11 (69%D-25%R)
Knox (D-Inc.) 73,602 (87%)
Dietrich (AIP) 11,065 (13%)
Speaker pro Tempore John Knox survived a mild threat in the Democratic primary, and that was the ball game.

District 12 (58%D-32%R)
Bates (D) 70,832 (58%)
Flegal (R) 48,692 (40%)
Callison (P&F) 3,088 (3%)
When Ken Meade of Berkeley decided not to seek another term, there wasn't much doubt that he would be replaced by his old Cal football teammate, Supervisor Tom Bates of Oakland, who will be less of a rebel in Sacramento.

District 13 (70%D-19%R)
Miller (D-Inc.) 55,563 (79%)
Roust (R) 11,912 (17%)
Phillips (P&F) 3,002 (4%)
If rumors are true, this will be the last term for John J. Miller of Berkeley, who is supposed to get a judicial appointment. Then there will be a wild scramble for his seat.

District 14 (72%D-21%R)
Lockyer (D-Inc.) 54,824 (74%)
Bosley (R) 14,961 (20%)
Ker (P&F) 1,883 (3%)
Steinhardt (Ind.) 1,997 (3%)
Bill Lockyer of San Leandro runs ahead of registration because he has political experience far beyond his 35 years.

District 15 (61%D-30%R)
Mori (D-Inc.) 69,316 (76%)
Funsch (R) 21,646 (24%)
Floyd Mori of Pleasanton seems to have entrenched himself rapidly.

District 16 (70%D-18%R)
Agnos (D) 32,557 (68%)
Tripp (R) 11,407 (24%)
Hudiburgh (P&F) 3,783 (8%)
For Art Agnos of San Francisco, former aide to Speaker Leo McCarthy, the whole battle was the primary against Harvey Milk. The seat was vacated by John Foran, who won a special Senate election.

District 17 (64%D-23%R)
Brown (D-Inc.) 50,474 (68%)
Hukari (R) 21,807 (29%)
Simpson (P&F) 2,416 (3%)
Republican Joan Hukari made a respectable showing, considering the district and the incumbent, Willie L. Brown Jr. of San Francisco.

District 18 (68%D-24%R)
McCarthy (D-Inc.) 54,160 (70%)
Meyer (R) 23,264 (30%)
Speaker Leo McCarthy never seems to have any difficulty winning another term.

District 19 (61%D-32%R)
Papan (D-Inc.) 58,606 (71%)
Adams (R) 21,585 (26%)
Kerska (AIP) 2,847 (3%)
This district seems to be getting easier every time for Louis Papan of Daly City, a key lieutenant to Speaker McCarthy.

District 20 (51%D-41%R)
Arnett (R-Inc.) 73,454 (69%)
Skinner (D) 32,448 (31%)
Dixon Arnett of Redwood City is a rarity – a northern Republican who wins with ease.

District 21 (56%D-34%R)
Calvo (D-Inc.) 63,319 (68%)
Sanger (R) 29,320 (32%)
Victor Calvo of Mountain View is so popular he makes this look like a Democratic district.

District 22 (47%D-45%R)
Hayden (R-Inc.) 93,515
Richard Hayden of Sunnyvale, another Republican who wins easily in the north, has managed to stay in tune with the political complexion of his district.

District 23 (62%D-28%R)
Vasconcellos (D-Inc.) 44,681 (54%)
Gissler (R) 38,131 (46%)
This relatively poor showing by John Vasconcellos of San Jose, who won by 34,000 votes two years ago, may encourage Republicans to make him a prime target in 1978.

District 24 (57%D-34%R)
Egeland (D-Inc.) 64,964 (62%)
Fletcher (R) 40,318 (38%)
Leona Egeland of San Jose, first elected only two years ago, now will become the senior woman in the Legislature.

District 25 (64%D-26%R)
McAlister (D-Inc.) 67,169 (78%)
Mozzetti (R) 15,094 (18%)
Blakeman (AIP) 3,720 (4%)
The conservative voting record of Alister McAlister of San Jose apparently is just what his constituents ordered.

District 26 (63%D-32%R)
Perino (D-Inc.) 39,745 (53%)
Carter (R) 35,090 (47%)
Republican Doug Carter may have greater name identification in the district than Carmen Perino, but a great many of those who know Carter remember him as a flaky former Assemblyman

Statham

Norm Waters

Gage

Hallett

Agnos

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Mello

who pulled out of a race two years ago in a fight with Ronald Reagan and then reentered.

District 27 (62%D-33%R)
Thurman (D Inc.) 65,602
Farmer John Thurman of Modesto is one of the good 'ol boys who appeals to Democrats and Republicans alike in peach country.

District 28 (59%D-34%R)
Mello (D) 60,832 (55%)
Parrish (R) 49,893 (45%)
The decision by Republican Frank Murphy not to seek reelection put this seat up for grabs and businessman Henry Mello of Watsonville carried both the Santa Cruz and Monterey elements in the district over Larry Parrish of Scotts Valley.

District 29 (59%D-38%R)
Hallett (R-Inc.) 51,496 (56%)
Dodd (D) 41,148 (44%)
When Bob Nimmo vacated this seat to run for the Senate, Carol Hallett of Atascadero had a running start to be his successor. She had worked as an aide to both Nimmo and Senator Donald Grunsky. Martin Dodd tried hard to catch up but couldn't overcome her fast early foot.

District 30 (67%D-27%R)
Maddy (R-Inc.) 38,699 (55%)
Leap (D) 32,245 (45%)
Ken Maddy had a bit of breathing room this time, compared to previous elections. He is still not comfortable in this Democratic district and may run for statewide office in 1978.

District 31 (59%D-36%R)
Lehman (D) 52,871 (54%)
Jones (R) 43,891 (45%)
Cook (AIP) 1,729 (2%)
This is a swing district held for 10 years by Republican Ernest Mobley, who tried unsuccessfully to move up to the state Senate. Both sides put plenty of effort into the race, but the experience of Richard Lehman, aide to state Senator George Zenovich, was the difference.

District 32 (58%D-37%R)
Duffy (R-Inc.) 42,482 (62%)
Kennedy (D) 26,278 (38%)
Gordon Duffy has become an institution in this Kings-Tulare district.

District 33 (59%D-36%R)
Wm. Thomas (R-Inc.) 48,151 (58%)
Schilling (D) 35,000 (42%)
This is an impressive victory for Bill Thomas of Bakersfield in a district that has swung back and forth over the years between the parties.

District 34 (54%D-39%R)
Chimbole (D-Inc.) 43,860 (51%)
Wyman (R) 42,701 (49%)
The vote from the San Bernardino section of this sprawling desert district saved Larry Chimbole, who ran 5,000 votes behind in the Los Angeles quadrant.

District 35 (52%D-37%R)
Hart (D-Inc.) 72,412 (67%)
Saucedo (R) 35,552 (33%)
This was an extraordinary victory for Gary Hart of Santa Barbara in a marginal district.

District 36 (55%D-37%R)
Tolmach (D) 42,437 (46%)
Imbrecht (R) 50,689 (54%)
This was a major disappointment for the Democrats, who expected to hold the seat after Ken MacDonald decided to return to the Ventura County board of supervisors. The early favorite, former mayor Jane Tolmach of Oxnard, refused to take firm stands on issues, and she was nailed by Charles Imbrecht.

District 37 (51%D-42%R)
Cline (R-Inc.) 55,481 (55%)
Mathews (D) 46,046 (45%)
Bob Cline of Northridge saw his margin cut from 15,000 in 1974 to 9,000 this year, partly as a result of aggressive campaigning by Arline Mathews. That will serve as a warning for 1978.

District 38 (50%D-43%R)
Priolo (R-Inc.) 70,114 (58%)
Mann (D) 49,853 (42%)
Republican floor leader Paul Priolo of Malibu won by a more comfortable margin against Betty Mann this time than in 1974.

District 39 (62%D-31%R)
Keysor (D Inc.) 46,382 (63%)
Elersich (R) 20,658 (28%)
Tucker (P&F) 2,888 (4%)
Torres (Ind.) 3,292 (5%)
This was another easy year for

Lehman

Maxine Waters

Jim Keysor of Mission Hills.

District 40 (63%D-31%R)
Bane (D-Inc.) 59,167 (66%)
Scott (R) 30,565 (34%)
This is the usual margin for Tom Bane of Van Nuys.

District 41 (46%D-48%R)
Antonovich (R-Inc.) 72,466 (83%)
Lucas (P&F) 15,323 (17%)
Mike Antonovich of Glendale has one of the solid Republican districts. The question is whether he will run statewide in 1978.

District 42 (44%D-50%R)
Lanterman (R-Inc.) 61,125 (61%)
Johnston (D) 39,286 (39%)
Uncle Frank Lanterman, 75, of La Canada just keeps rolling along.

District 43 (61%D-32%R)
Berman (D-Inc.) 79,113 (64%)
Andrews (R) 45,482 (36%)
Democratic floor leader Howard Berman of Beverly Hills expended most of his efforts helping other Democrats get elected.

District 44 (64%D-27%R)
Sieroty (D-Inc.) 60,299 (58%)
Hoover (R) 39,930 (38%)
Takei (P&F) 4,476 (4%)
For Alan Sieroty of Los Angeles, this is a close election. He'll soon be running in a special Senate election for the seat of Anthony Beilenson.

District 45 (65%D-26%R)
Rosenthal (D-Inc.) 67,958 (68%)
Mikol (R) 31,950 (32%)
This is the usual vote in this solid-Democratic district represented by Herschel Rosenthal of Los Angeles.

District 46 (61%D-29%R)
Warren (D-Inc.) 36,239 (65%)
Watts (R) 19,179 (35%)
This is a low-turnout Los Angeles district that usually gives Charles Warren about this victory margin.

District 47 (82%D-12%R)
Hughes (D-Inc.) 38,189 (83%)
Dunlap (R) 7,692 (17%)
All that counts in this Watts district is the Democratic primary. All Teresa Hughes need fear is opposition from the Tom Bradley organization.

District 48 (84%D-12%R)
Waters (D) 37,727 (81%)
Neely (R) 9,090 (19%)
Maxine Waters won this seat, vacated by the veteran Leon Ralph, in a bitter primary contest.

District 49 (74%D-19%R)
Dixon (D-Inc.) 68,385
Democratic caucus chairman Julian Dixon of Marina del Rey could relax more than usual this year.

District 50 (73%D-21%R)
Tucker (D-Inc.) 47,444 (70%)
Denault (R) 17,871 (26%)
Keller (P&F) 2,387 (4%)
Curtis Tucker of Inglewood increased his victory margin this year.

District 51 (46%D-46%R)
Ryan (R) 65,242 (61%)
Post (D) 41,553 (39%)
Councilwoman Marilyn Ryan of Rancho Palos Verdes showed good strength in taking the traditional Republican seat vacated by Robert Beverly, who moved up to the state Senate.

District 52 (61%D-32%R)
V. Thomas (D-Inc.) 45,614 (62%)
Mattox (R) 25,278 (34%)
Bader (AIP) 2,772 (4%)
Vincent Thomas of San Pedro, 68, was first elected to the Assembly in 1940, and he's now the Legislature's senior member. This was a typical victory for him.

District 53 (70%D-23%R)
Bannai (R-Inc.) 32,045 (50%)
Wear (D) 28,557 (45%)
Tauron (AIP) 2,977 (5%)
For Paul Bannai of Gardena, this was a big victory. Given the registration and the tightness of previous elections, this year he had breathing space.

District 54 (78%D-17%R)
Vicencia (D-Inc.) 38,516 (78%)
Coxson (R) 10,710 (22%)
Frank Vicencia of Bellflower seems to have lulled any potential opposition to sleep.

District 55 (67%D-24%R)
Alatorre (D-Inc.) 30,794 (59%)
Feliz (R) 18,464 (35%)
McGlachlin (P&F) 2,936 (6%)
This was almost a replay of Richard Alatorre's victory over John Feliz two years ago.

District 56 (78%D-14%R)
Torres (D-Inc.) 26,276 (81%)

Ryan

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Stirling

Miller (R)	6,230	(19%)

This barrio district has a miserable turnout, but most of it is invariably for Democrats like Art Torres.

District 57 (64%D-30%R)

Cullen (D-Inc.)	**47,785**	**(69%)**
Tuttle (R)	21,068	(31%)

Mike Cullen of Long Beach has found the going easy in recent years.

District 58 (58%D-36%R)

Chel (D-Inc.)	**60,297**	**(59%)**
Dykema (R)	42,264	(41%)

This is a whopping victory for freshman Fred Chel of Long Beach, who first won the seat in a tight contest two years ago.

District 59 (67%D-27%R)

Fenton (D-Inc.)	**60,802**	

This was a fond farewell to Jack Fenton of Montebello, who is expected to be appointed to a judgeship within the year.

District 60 (68%D-25%R)

Montoya (D-Inc.)	**37,518**	**(69%)**
Barron (R)	17,138	(31%)

Joe Montoya of Whittier usually wins by about this percentage.

District 61 (43%D-51%R)

Collier (R-Inc.)	**57,491**	**(62%)**
Ostrye (D)	31,252	(34%)
Scanlon (AIP)	4,570	(5%)

Only in a Republican primary can 72-year-old John L. E. (Bud) Collier of Monrovia be unseated.

District 62 (50%D-44%R)

Lancaster (R-Inc.)	**51,500**	**(54%)**
Baldonado (D)	44,373	(46%)

Sandy Baldonado made an excellent showing against Bill Lancaster of Covina in this GOP district.

District 63 (61%D-33%R)

McLennan (R-Inc.)	35,995	(43%)
Young (D)	**43,085**	**(52%)**
Ginn (P&F)	1,051	(1%)
Gonzales (Ind.)	2,968	(4%)

Bob McLennan of Downey, only physician in the Legislature, won a bruising battle two years ago against a fellow incumbent, Democrat Joe Gonsalves. Democrats sought revenge and put together a solid campaign behind Bruce Young, a school board member. This leads to the conclusion that the 1974 vote was more anti-Gonsalves than pro-McLennan.

District 64 (49%D-45%R)

Gonsalves (D)	43,647	(45%)
Stirling (R)	**49,837**	**(51%)**
Breazeale (AIP)	3,405	(4%)

The son of Joe Gonsalves (see 63rd district comments), Jim Gonsalves, tried to parlay his political experience and employment with a Republican supervisor into victory in this GOP area. But Dave Stirling of Hacienda Heights kept the district for the Republicans with the departure of Bill Campbell to the Senate.

District 65 (56%D-39%R)

McVittie (D-Inc.)	**46,602**	**(63%)**
Stephens (R)	27,145	(37%)

Bill McVittie of Upland squeaked to victory in 1974 but he didn't fool around this time. His opponent even failed to match his party registration.

District 66 (65%D-28%R)

Goggin (D-Inc.)	**44,963**	**(66%)**
Wolfinbarger (R)	23,623	(34%)

This is almost an instant replay of the 1974 election in this district, although the victory margin of Terry Goggin of San Bernardino was trimmed a bit.

District 67 (49%D-46%R)

Lewis (R-Inc.)	**84,264**	

Jerry Lewis of Highland even won the Democratic nomination by write-in in the primary.

District 68 (57%D-35%R)

Ingalls (D-Inc.)	**54,223**	**(62%)**
Harris (R)	33,891	(38%)

Walt Ingalls of Riverside posted a similar easy victory two years ago.

District 69 (48%D-45%R)

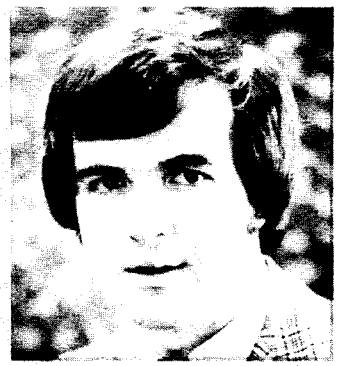
Dannemeyer (R)	**62,052**	**(63%)**
Gibbons (D)	37,045	(37%)

Bill Dannemeyer of Fullerton was once a Democratic Assemblyman. He gave up his seat in an unsuccessful bid for the state Senate and then switched parties. Now he will return but to the small GOP caucus. He succeeds Republican John Briggs, who moved up to the Senate.

District 70 (41%D-51%R)

Nestande (R-Inc.)	**76,589**	**(67%)**
Tornay (D)	37,123	(33%)

Bruce Nestande of Orange has one of the safest Republican constituencies in the state.



Young

District 71 (56%D-36%R)

Wray (D)	**46,696**	**(50%)**
Seitz (R)	46,642	(50%)

This was the closest race in the state, prompted by the decision of Democrat Paul Carpenter to run for the state Senate. The preliminary count shows Chet Wray of Westminster, a union official, as the winner.

District 72 (54%D-39%R)

Robinson (D-Inc.)	**46,759**	**(58%)**
Vogel (R)	28,880	(36%)
Nichols (AIP)	5,243	(6%)

Republicans failed miserably in their efforts to unseat freshman Richard Robinson of Santa Ana. His margin of victory even increased over 1974.

District 73 (46%D-45%R)

Burke (R-Inc.)	60,590	(48%)
Mangers (D)	**66,747**	**(52%)**

Dennis Mangers of Huntington Beach came within 1,600 votes of defeating incumbent Bob Burke two years ago in this traditionally Republican constituency. Mangers never stopped campaigning and he convinced more than enough people that Burke was a weak spokesman in Sacramento.

District 74 (35%D-56%R)

Slemons (R)	51,677	(47%)
Cordova (D)	**58,854**	**(53%)**
Bergeson (write-in)	about 34,000	

This was the wackiest contest in the state. Because this is the most Republican district in the Assembly, the GOP primary won by Jim Slemons was thought to be tantamount to victory. But a few weeks before the general election, reports started circulating about the disappearance of the Newport Beach auto dealer and his alleged dealing in pornography. Marian Bergeson, who had lost the primary to Slemons, then entered as a write-in candidate and drew considerable support. This opened the door for Ron Cordova, a deputy district attorney, to win the seat by default. Cordova is a Sephardic Jew with roots in Beverly Hills, and his chances in 1978 are next to nil.

Dannemeyer

Mangers

District 75 (50%D-43%R)

Suitt (D-Inc.)	**62,735**	**(57%)**
McCandless (R)	47,372	(43%)

The victory of Tom Suitt of Indian Wells two years ago was supposed to be a fluke, so the Republicans brought out the heavy bankrolls behind Supervisor Al McCandless of Palm Desert this year. Suitt proved his election was more than an accident, losing only the San Diego part of the district by a small margin and piling up a big lead in Riverside and Imperial Counties.

District 76 (42%D-48%R)

Craven (R-Inc.)	**118,151**	**(69%)**
Kirkemo (D)	54,304	(31%)

Bill Craven of Oceanside is solidly entrenched.

District 77 (49%D-42%R)

Ellis (R)	**61,337**	**(51%)**
Cohelan (D)	60,010	(49%)

Democrat Bob Wilson gave up this once-Republican seat to run for the state Senate, and a rugged battle ensued between Councilman Jim Ellis of San Diego and attorney Tim Cohelan to succeed him. Cohelan is an aide to U.S. Senator John Tunney and son of former Congressman Jeffery Cohelan. He was one of the few double losers in the election (his own race and Tunney's).

District 78 (52%D-37%R)

Kapiloff (D-Inc.)	**59,602**	**(55%)**
Couppee (R)	45,760	(42%)
Contessina (AIP)	2,673	(3%)

Considering the partisan complexion of the district, this is not a bad showing for Lawrence Kapiloff of San Diego. But he did better last time out.

District 79 (61%D-29%R)

Chacon (D-Inc.)	**42,509**	**(63%)**
Andreen (R)	21,520	(32%)
Emery (AIP)	3,050	(5%)

This is a better-than-average showing for Peter Chacon of San Diego.

District 80 (55%D-34%R)

Deddeh (D-Inc.)	**63,883**	**(74%)**
Pankhurst (R)	22,216	(26%)

The way Wadie Deddeh of Chula Vista carries this district, it is hard to believe it used to be represented by a Republican.

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BROWN'S UNILATERAL COMPROMISE

The not-so-private battle over the 'right to privacy'

By MARY LOUISE HAYES

Californians will enjoy new protections from invasion of privacy resulting from the state's misuse of personal information when a new executive order goes into effect on January 1st. Issued by Governor Brown on September 28th, the executive order will give citizens the right to see certain of their state government files and to challenge incorrect entries. Individuals will have the right to know how the state plans to use personal information and how to get access to their file when the data is collected. For the first time, these selected agencies will have to ensure that all records are accurate, relevant, timely and complete.

Ordinarily, this would cause a celebration among civil libertarians. But most are greeting Brown's order with mixed emotions. Before issuing the order, the Governor vetoed the Roberti-Carpenter Privacy Act, the most comprehensive privacy bill ever written in this country. Although advocates prefer the new executive order to no rules at all, many feel the Governor has outmaneuvered them — his rules are too weak to "put teeth" into the constitutional right to privacy, but are strong enough to stop passage of a tough law next year.

Brown's order was a surprise ending to a bitter two-year struggle between an unreceptive administration and legislative leaders who have fought to introduce the privacy issue to California law. In September, 1975, in a dramatic move just two minutes before the end of the legislative year, Brown rejected a similar bill authored by then-state Senator George Moscone as "too complex" and "unworkable." This April, Senate Majority Leader David Roberti and Senate Republican Caucus Chairman Dennis Carpenter reintroduced the Moscone bill, amended to meet the Governor's objections. Their bill defeated an administration plan and passed the Legislature with only two "nay" votes in the hectic closing days of the August session. But Brown, citing estimates of $4 million in "start up" costs and $13 million annually, vetoed the bill.

Veto message

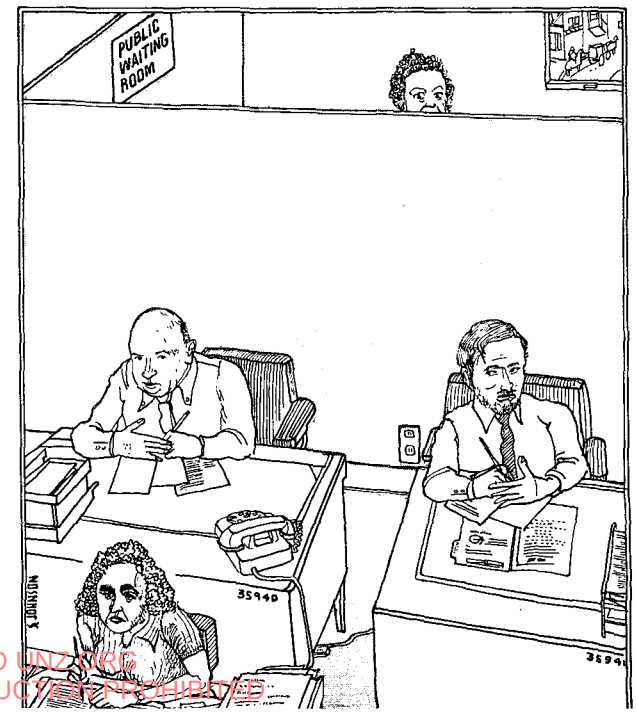
"Every effort should be made to avoid expenditures of that size," Brown explained. "I am, accordingly, issuing today an executive order which will do most of what is essential in this bill for a fraction of the cost. If . . . the Executive Order proves deficient in ways which cannot be corrected by administrative action, we can then consider legislative action."

The bill's supporters didn't buy Brown's explanation. "If the Governor's rules are so cheap, it means not much will be done," Roberti charged. "These rules are an attempt to whitewash the veto." Roberti criticized the executive order because it's discretionary. "The Governor can amend or revoke the rules at any time," Roberti noted. "They give too much discretion to agency heads to decide when, where and how information will be disclosed." Instituting government self-regulation is like "asking the fox to guard the chicken coop," said Roberti, agreeing with Carpenter that the order was a "ploy" to take the steam out of the movement for legislative reform.

In response, Brown countercharged that Roberti's bill would require the centralization of all state records — a step towards Big Brotherism. Brown insisted that giving one agency power to investigate other agencies' compliance with the act (granted the Secretary of State in SB 1586) would lead to abuses similar to those which occurred during the Nixon years. In the same breath, Brown labeled the bill "too limited" in other respects. He admitted that the executive order won't solve all the bill's problems — it only covers executive agencies — but insisted that the order will be a model for all government departments.

Executive order contents

The only effect most Californians will feel as a result of the order will be a change in the forms used to collect information. In January, forms will include detailed instructions on how to gain access to information and whether its submission is voluntary or mandatory. The forms will also describe penalties various agencies will incur by failing to turn over requested data. Individuals will be able to inspect any file within two months of request and, in the case of dispute with



The author is a free-lance writer based in Palo Alto.

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an agency, ask the Office of Administrative Hearings to mediate.

Under the rules, information collected by one agency won't be transferred to another unless it's use will be "compatible" with the purpose for which it was collected. Agencies must allow individuals to see any information used to make determinations about their rights or benefits. But there are many exemptions. Files compiled in anticipation of civil or administrative action won't be disclosed; nor will test materials, records required by law to be kept confidential, medical and psychiatric records if disclosure would be detrimental to the subject, or law enforcement, parole and correctional files.

Brown's order has raised more questions than it has settled. Roberti and Carpenter vow to re-open the battle next year, introducing a bill to close "loopholes" in the order. But why all the fuss about privacy? The bill's authors admit it's an esoteric issue. It's not backed by important monied interests. Even the bill's supporters agree that few will take advantage of the right to inspect and to challenge records. But privacy advocates argue that the stakes are high. They see themselves as fighting to preserve individuality in an increasingly impersonal, automated world.

Quiet under seige

"The right to be let alone," wrote Supreme Court Justice Louis Brandeis almost 50 years ago, "is the most comprehensive of rights and the most valued by civilized men." Brandeis coined the term "right to privacy" in an 1890 Harvard Law Review article rebuking the Boston press for its sensational and gossipy reporting. As a result of the article, case law developed to establish protections against physical intrusion into an individual's solitude, and against such press abuses as unauthorized use of a person's name or picture, presenting a person in a false light, or printing embarrassing private facts.

In the past 30 years, privacy has become a major social and political concern. By the mid-1960's many federal, state and local agencies had automated information systems. Business was collecting data on consumers. Computerization of credit reports made checks on individuals possible within seconds. This ability to create huge databanks containing intimate details of people's private lives began to be viewed with alarm by liberals and conservatives alike.

Reports of misuse of credit records, employee files and criminal records sparked passage of specialized privacy laws in the late sixties. But it took a series of highly publicized government scandals — from revelations of the Army's compiling of secret dossiers on civilians, to the IRS's forwarding of farmers' tax returns to the Department of Agriculture, to Watergate — to make the public demand comprehensive laws. The federal government and eight states have since enacted laws regulating all aspects of information practices.

California passed a series of related laws to "open up" government in the late sixties and early seventies, including a state "Freedom of Information Act," a "sunshine" law and the Public Records Act. Former Assemblyman William Bagley introduced two privacy bills at that time, neither of which passed the Legislature. In 1972 the state's voters recognized the importance of privacy by overwhelmingly approving a ballot measure adding privacy to the fundamental rights guaranteed Californians in the state constitution. There were no laws, however, to enforce the right.

Just after passage of the federal Privacy Act, then-Senate Majority Leader George Moscone introduced a comprehensive state law. His bill was tough. It covered all state and local agencies. It required public disclosure of all records and sharply limited inter-agency transfers of information. The Moscone bill would have enabled individuals to see their files, provided for an administrative hearing if information was challenged, and allowed individuals to collect actual and punitive damages if agency negligence resulted in a loss of a benefit or right. Both the courts and a new Privacy Commission were set as checks on agencies. The issue brought together such unlikely political allies as Moscone, a big city Democrat, and Carpenter, former FBI man and Orange County Republican, the ACLU and other liberal groups.

The Governor objected to the cost of the bill and the Commission which would, he charged, "add another unnecessary bureaucracy to the government." Despite his pledge to support a workable privacy bill in the 1976 session, Brown's veto was condemned by legislators and the press.

The sharpest attack came from Ben Bycel, legislative advocate of the Southern California ACLU and perhaps the man most responsible for the privacy fight. In 1974 Bycel chose the issue as one where "the ACLU could have some impact," and drafted the Moscone bill. After its rejection, the 34-year-old lawyer denounced Brown on the editorial pages of the *Los Angeles Times*. In an article entitled, "The Governor Who Abjures Governing," Bycel charged that Brown had neglected important legislation and wrote, "If the Governor took a more active role in government, he might find that criticism of it comes less easily." The attack reportedly angered Brown, and lent a tone of hostility to the debate on privacy this year.

Even so, 1976 should have been the year for a privacy bill. The first inklings of discord were heard when relations between Bycel and Secretary of Agriculture and Services Rose Bird, Brown's designated representative, deteriorated. Bycel wanted to use the Moscone bill as a basis with Bird offering specific amendments to make the bill acceptable to Brown. Bird, fresh from her victory on the Agricultural Labor Relations Act, felt she had been given the assignment by the Governor's office and wanted to write the bill in her shop. The upshot was two separate bills: SB 1586, the Roberti-Carpenter and ACLU measure; and AB 4014, the Rose Bird-version carried by freshman Assemblyman Vic Fazio.

Compromise needed

There were distinct differences in the two bills. First and most important was the extent of coverage. SB 1586, Roberti's bill, covered all state and local agencies; AB 4014 covered only state. The Roberti plan required that full administrative hearings be provided for all who wanted to contest a record; the Administration bill called for informal hearings at the reviewing official's discretion. SB 1586 established strict notification and publication procedures absent for cost

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reasons from the Bird plan. Finally the definition of "record" was disputed. In AB 4014 it was defined as any information used to make a determination about an individual; in SB 1586, as any information labeled with a person's name or identifying symbol. SB 1586 would have instituted checks and balances on government, ideal from the civil libertarian's standpoint, but too costly for the Administration, which considered privacy protection possible within existing routine.

Both sides recognized the need for compromise. Yet negotiating sessions rarely got beyond arguments over the definition of record and mandatory administrative hearings, items SB 1586's backers considered important because they took discretion out of bureaucrats' hands, but which the Administration objected to as too costly. Governor Brown, since his seemingly offhand delegation of the problem to Bird, at no time offered an opinion on, or raised any objections to either bill — in contrast to his active participation in many other controversies. Without clear executive guidance, a destructive rivalry between privacy factions increased. Efforts to pass a strong bill were further hampered by the bureaucracy. Officials, jealous of their prerogatives and fearful of outside controls, didn't want a bill at all.

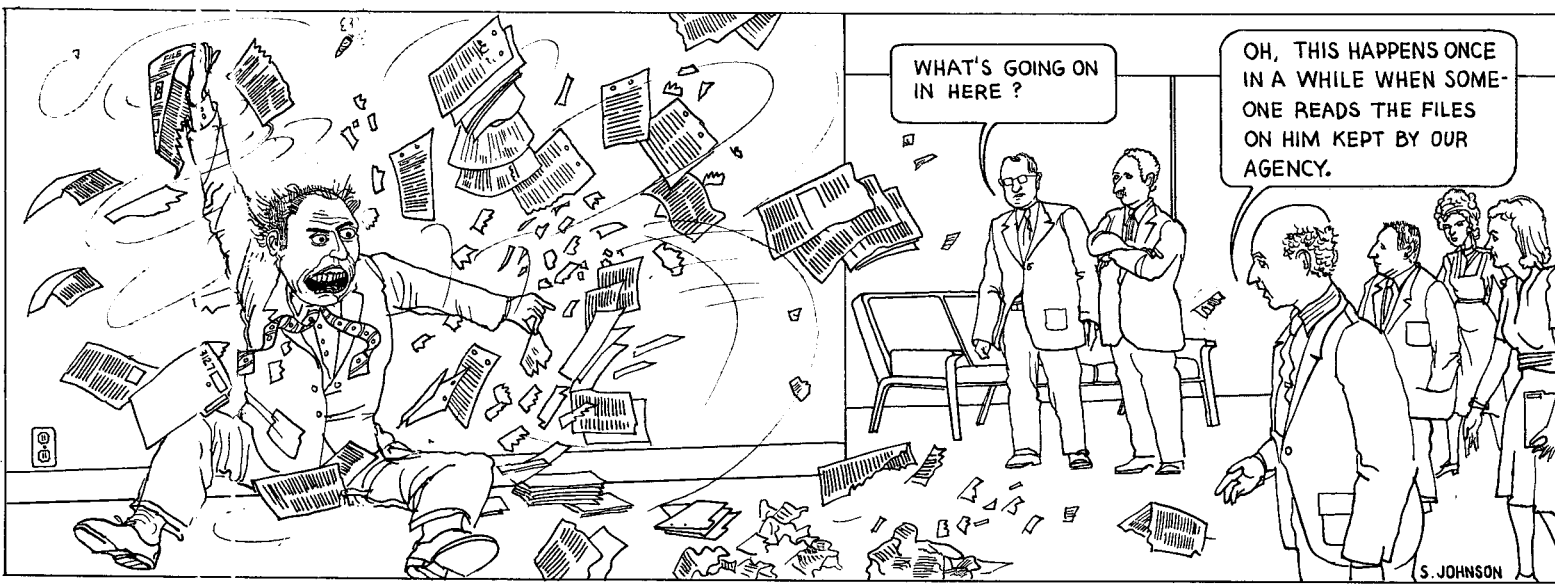
A tentative compromise was shattered through a breakdown in communications. According to Tom Houston, Bird's deputy secretary, Roberti had agreed to help amend the Fazio bill. He submitted two amendments which Bird accepted. Then a list of 14 points were sent to Bird. She accepted the two major changes and offered to make two other concessions if Roberti would coauthor the Administration bill. Roberti took the offer as an insult. "I don't see it as my duty as a legislator," he fumed, "to serve up what some agency head wants."

The final straw was a June 11th memorandum from the Governor's office. It seemed that both bills were too complex. This was the same criticism Brown had leveled at the Moscone bill. The memo suggested that privacy concerns be written into the Public Records Act. Roberti was stunned at the suggestion of such a drastic change so late in the game. He demanded to know why Bird's bill was tagged as the Administration's if the Governor didn't support it. Tom Houston insisted that AB 4014 represented the Administration's interests, but did admit there was "some hostility" between Bird's and the Governor's staffs, and confessed that while Bird's staff managed the bill, "we were out on a limb."

When both bills came to the Senate Judiciary Committee, Roberti promised Fazio to vote for his bill, and told Bird to feel free to push her measure. Yet at the hearings, Roberti left just before the bill was taken up. In his absence Senator Carpenter, SB 1586's coauthor, denounced the Administration bill, demanding that the committee send only one bill to the Governor. Roberti returned in time to vote "aye" but by then AB 4014's fate was certain. By the time AB 4014 was killed in committee, there were only two significant differences between the bills: SB 1586 broadly defined "record" and mandated administrative hearings and AB 4014 did not.

Vetoed again

Despite overwhelming legislative support, editorial endorsements by the state's major dailies and a mail campaign by civil liberties groups, Brown never considered signing the Roberti bill. He told Roy Ringer of the *Los Angeles Times* that the bill was "too complex" and "too weak on law enforcement" — despite the fact that the Administration's own bill never covered local law enforcement agencies. Although the Governor criticized the bill as too limited, Ringer noted that Brown wouldn't agree to support the plan if it were strengthened.



There's a lot of finger pointing going on in the Roberti camp, and most are pointing straight at Rose Bird. "She is the person most responsible for the veto," Roberti said. "The executive order was issued in compensation to her." Some of the bill's other supporters are privately putting at least a share of the blame on Bycel's shoulders. His tactics alienated potential allies in the Governor's office, they argue.

Whatever dissension is breaking out on the Roberti side, it appears that the same coalition will get behind a privacy bill next year. A report issued by the Legislative Counsel will be ammunition in the first round of the legislative battle. Roberti hopes to rally legislative support with the charge that this order sets a precedent for a Governor to circumvent the legislative process, and legislate by fiat on a major issue. He doesn't rule out working with the Administration. "Maybe next year, when Rose Bird's ruffled feathers are smoothed, we can sit down and negotiate," Roberti concluded.

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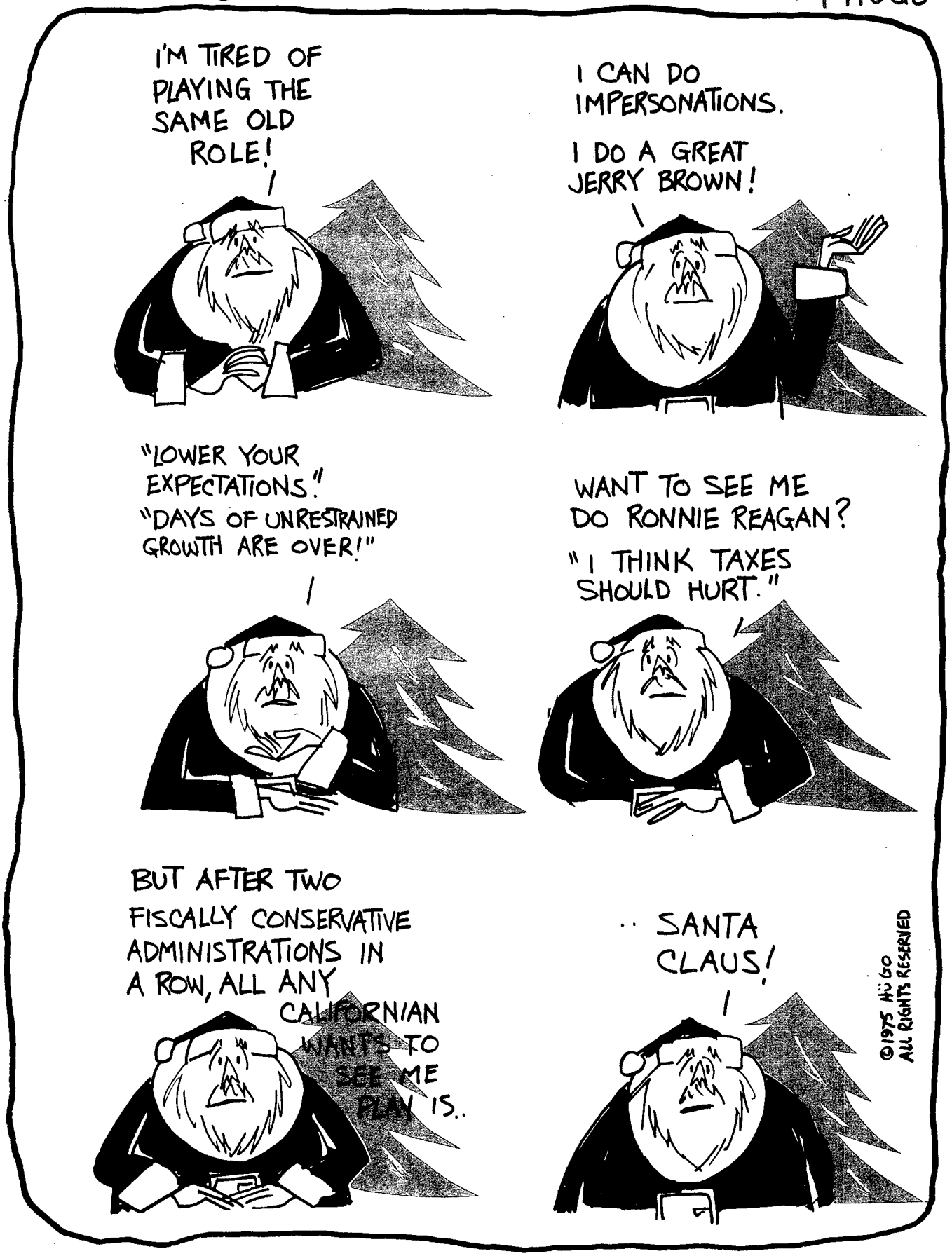
Caucus

By HüGo


I'M TIRED OF PLAYING THE SAME OLD ROLE!
I CAN DO IMPERSONATIONS.
I DO A GREAT JERRY BROWN!
"LOWER YOUR EXPECTATIONS."
"DAYS OF UNRESTRAINED GROWTH ARE OVER!"
WANT TO SEE ME DO RONNIE REAGAN?
"I THINK TAXES SHOULD HURT."
BUT AFTER TWO FISCALLY CONSERVATIVE ADMINISTRATIONS IN A ROW, ALL ANY CALIFORNIAN WANTS TO SEE ME PLAY IS..
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JERRY BROWN — A TOUGH ACT TO FOLLOW

Fong Eu's thankless job of supervising elections

By LEAH CARTABRUNO

Secretary of State March Fong Eu is in an unenviable position. She was at a distinct disadvantage taking over an office that was vacated by a savvy politician who parleyed it into the governorship. All the political-reform publicity has been drained by Jerry Brown and all that's left is the everyday, slugging-it-out-in-the-trenches implementation. Fong Eu is faced with the challenge of finding a way to make her mark.

Operating as California's chief of protocol is one of the ways Fong Eu is trying to distinguish herself. In a state that for years attracted new residents because of its open lifestyle and lack of formality, the heretofore nonexistent protocol position seems incongruous. Appointed by the Governor in an executive order early this year, Fong Eu is the state's designated representative on "economic, cultural and social" matters.

Through this function, Fong Eu has assumed the liaison role with international trade that used to be a part of the now-defunct Department of Commerce. It is a natural as the family of her husband, Henry Eu, runs one of the largest businesses in Southeast Asia with dealings in real estate, Chinese medicine, banking, Malaysian rubber and palm oil. Because of the business representatives she meets in what she calls her role as "meeter and greeter," Fong Eu is concerned about the adverse business conditions in the state. She said she offered to set up a meeting with Brown and certain members of the international trade community in a letter to the Governor 18 months ago, but hasn't received an answer yet.

Relief from the dreary

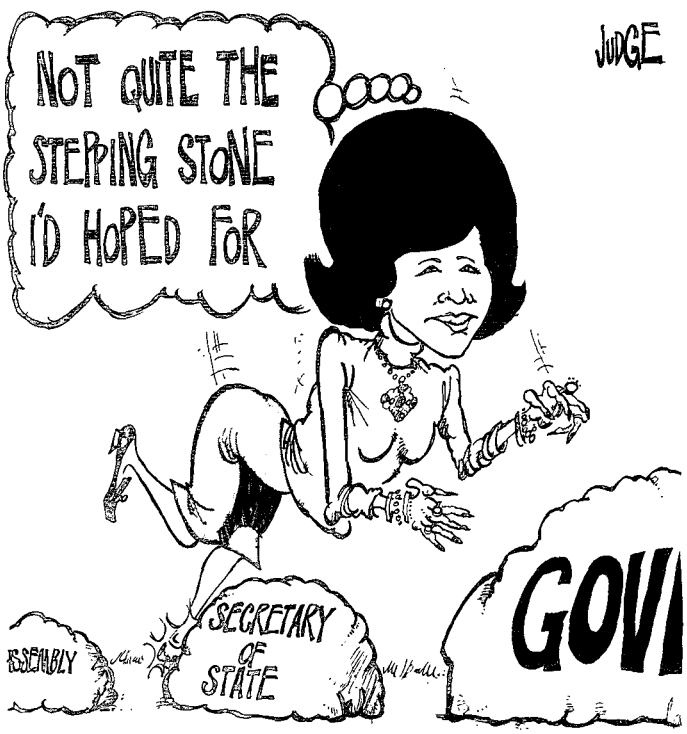
The protocol role must provide welcome relief from the dreary functions that make up most of the Secretary of State's job. Two-thirds of her staffers work in the corporations and uniform-commercial-code sections of the operation. When Fong Eu and her deputy, Mike Gagan, talk about major accomplishments, they refer to such things as an annual anniversary date for filing by corporation officials, an average turn-around time of three days instead of 12 on loan information for small businesses, reform of methods practiced by notaries public and the improvement of the state archives — perhaps meaningful, but definitely esoteric feats.

The most exciting things going in that office are the voter-registration operations and the filing and enforcement of reports required by Proposition 9 (The Political Reform Act of 1974). These are also the areas that have sparked criticism of the way Fong Eu and her team have handled the Secretary of State's office. One critic said that either Fong Eu was a master at delegating authority, or she didn't know what was going on, and he wasn't going to guess which it was. In turn, Fong Eu retorts that anyone implementing these laws for the first time would run into the same difficulties.

The Secretary of State is responsible for carrying out the federal Voting Rights Act. With the number of non-English speaking people in California, implementing the act is a tremendous job. (Under the Voting Rights Act, California is responsible for publishing election materials in Spanish and, in San Francisco, Chinese.) A deficiency appropriation of $218,900 was put through the Legislature to cover the cost of printing 500,000 other-than-English ballot pamphlets. When counted, the requests for those pamphlets ran closer to 10,000. This led to claims that Fong Eu was mismanaging implementation, thus discrediting the whole other-language concept.

Complex post cards

Her blanket-coverage approach is criticized as unnecessary, the contention being there is sufficient data to target the areas where the special material is needed. Fong Eu claims there is no valid data available for targeting, and that if she didn't print enough other-language material, and the demand outstripped the supply, she would be in violation



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of the act. She said there was no way to tell how many pamphlets were needed.

The absence of targeting helped to complicate the post-card registration form, another new program this year. All questions on the post card are asked in Spanish and English. Compared to Oregon's simple form, California's registration post card is inhibiting, but that isn't due to the dual-language presentation alone. There is a lot of extraneous information asked and displayed on the card. Two items of significance are the questions asking the occupation and the state or country of birth. Neither of these items is essential voter information, but both are vital to the computer letters politicians use in campaigning.

Fong Eu correctly points out that the content of the post card is dictated by law and that she has no discretion over it. She did have control over the time schedule for making the cards available. The bill authorizing post-card registration was signed on September 15th, 1975, with mail voter registration going into effect July 1st of this year. But the post cards were not available until the third week in August. Some observers feel the lag was due to the bungling of the Secretary of State's office. Fong Eu says she was given a complicated program never before implemented and without a budget appropriation; things were bound to go wrong.

To complaints that administrative hearings on the program regulations were held behind schedule, Fong Eu's records show the first hearing was held on December 22nd, 1975. But there is some doubt as to claims that there was no money to have the post cards printed (the Department of Finance records show a $100,000 augmentation and an emergency loan of $92,000 for this purpose in fiscal 1975-76), and that the state printer held up the job (one source said printers couldn't produce the cards if they didn't have the copy).

With the late start, it was crucial to get the post cards out and available to large numbers of people. Many counties waited for outreach regulations from the Secretary of State before planning their own program for making the post cards available. Others, like San Mateo County under the direction of county clerk Marvin Church, anticipated the problem, laid the ground work and made plans ahead of time. When the regulations were issued in late September, Church's program was approved and moved rapidly. The results showed wide community participation and a large jump in the number of voters on the rolls. This was not true in most other counties.

Post-card foul-up

One of the more embarrassing foul-ups in the post-card program occurred when the Secretary of State's office accepted a list of unregistered voters from the statewide AFL-CIO. After the post cards were mailed, it was discovered that the list was not "clean" — clean in the sense that some people on the list were registered and, in a few cases, some were dead. One card was mailed to Fong Eu herself. The explanation: it was just one of those things that happen under severe time constraints.

All of these things did not augur well for Fong Eu's first year as chief of elections, new authority granted to the Secretary of State last year. The Secretary of State was given power over county clerks and registrars, similar to the authority the state Attorney General has over local district attorneys, in the hope of establishing uniform elections and voting practices throughout the state. Gagan points to the new law with a great deal of pride as the past three holders of that office had introduced the same bill year after year, but couldn't get it through the Legislature.

Another area of controversy is the expenditure forms candidates, lobbyists and employers of lobbyists have to file with the Secretary of State under Prop 9. (Personal finance statements of elected officials are filed directly with the Fair Political Practices Commission.) Fong Eu's enforcement of the Prop 9 requirements is characterized as carefree. Among the complaints: Files are disorganized; enforcement is arbitrary; statements are not checked when they come in, adding to the burden of the State Franchise Tax Board when it audits the statements.

At first, news stories carried the fines assessed lobbyists for late filing. After a period of time, all those fines were reduced or dismissed. Fong Eu explains that between those two events, the Legislature passed an urgency measure giving her more discretion in penalizing errant filers. She explains that the idea is to gain compliance, not to fine, so the staff is instructed to try to get the statement in a reasonable manner before resorting to assessments. But, if all else fails, fined they are.

Attitude too soft?

Those who prefer more aggressive enforcement feel that Fong Eu changes direction when the winds blow strong — that is, she'll ease up if the criticism gets heavy. Is she too easy or is it that she is sensitive to the candidates and lobbyists because of her recent service in the state Assembly? Is it a good idea to isolate the Secretary of State from political pressure and make it an appointive position?

Her political sensitivity is demonstrated further by her attitude toward different forms of voter registration. Deputy Gagan, pointing out that registration is a barrier to voting, thinks mail registration is a temporary stop along the way to election-day registration. Fong Eu agreed, advocating a statewide voter-identification card issued without a fee so that it could not be construed as a poll tax. She thought election-day registration could be realized "if we can satisfy politicians in terms of their getting a voter list to do their campaigning with." When an initiative was suggested as a way around the problem, she rejected the approach saying that finding a way to supply the list was much more logical.

Fong Eu is presently in a damned if you do and damned if you don't predicament. No matter what she does regarding voter registration and Prop 9 statements, someone is going to be displeased. And the other Secretary of State functions? It doesn't matter how well she does; almost no one cares.

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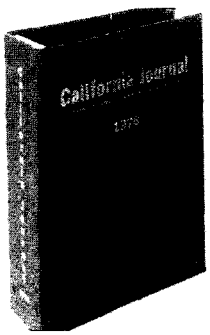

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THE EMPTY-BED BLUES

The case of malpractice in controlling hospital expansion

By KARIN LISA KLEIN

"The public already knows as much as it needs to know about health planning," said Marvin Howard, administrator of Midway Hospital in Los Angeles. If Howard is right, the public should share its knowledge with state health planners, who so far have created more problems than they've solved in planning health facilities.

But Howard is wrong. Most people don't know what health planning is, why it should or shouldn't exist, or how it affects the availability of medical care, the annual cost of Blue Cross, the rise in state taxes or the quality of care a hospital gives them.

Health planning is the control of the amount and kind of health facilities and services in a given area. The idea is to avoid having too many hospitals and too many hospital beds and machines in one place. The rationale is that where there are more health facilities and services than needed, the unused facilities cost the hospitals money but bring in no income. The difference in cost is made up by the people who do use the health care. Because most hospitals are adding more beds and newer, fancier equipment regardless of need, patients are paying more for their hospital stay. Health costs rise 15 percent a year — twice the inflation rate of the average service.

Many of California's urban hospitals have beds that are never used but cost $40 to $60 a day to maintain. That maintenance cost is added to the price of the other beds, resulting in an average hospital bed cost of $162 a day. The nationwide average is $114. An estimated 22,000 California hospital beds are never used. Figuring an average of $50 a day per bed, Californians pay more than $400 million a year solely for those unused beds. They pay for it through exorbitant health care bills if uninsured, or through rising costs of Blue Cross or other private health insurance, and in increased taxes for Medi-Cal. Three of the four cities with the highest average health-care costs in the nation are Los Angeles, San Diego and San Francisco.

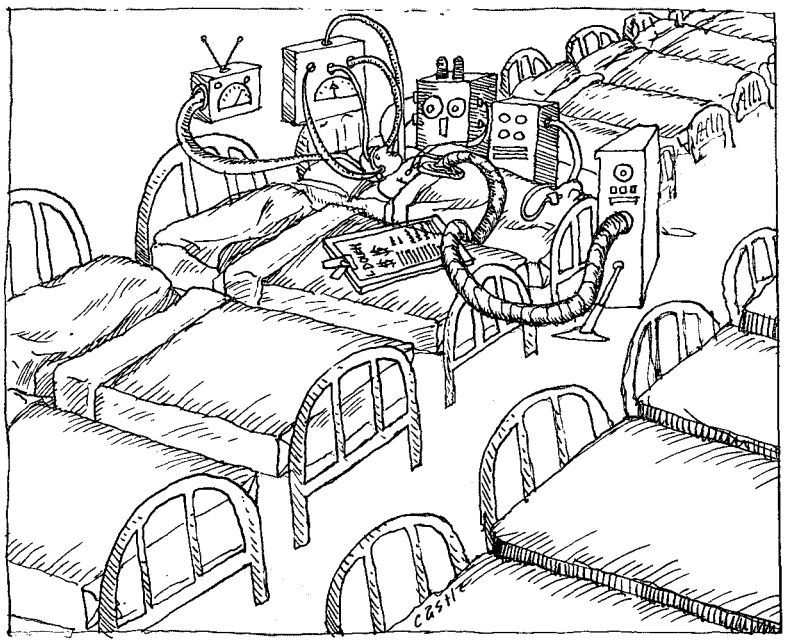
Cost of machines

Sophisticated hospital machinery, such as hemodialysis machines, respirators and laboratory and diagnostic equipment, also pumps up the cost of health care. Most hospitals of significant size (200-plus beds) want to acquire specialized, high-cost equipment — whether or not such machinery is already in a nearby hospital. Elaborate equipment attracts patients and doctors. The more diagnostic equipment a hospital has, the reasoning goes, the less chance it will be faced with medical malpractice suits.

Because of the high cost of hospital machinery, patient expenses have to be high. But when there's not enough need for the machine — or when several nearby hospitals have the same machine — the costs multiply. For instance, hemodialysis machines for kidney patients are highly desired equipment by hospitals. One hospital in a region may have one and 100 people a week use it. That hospital may charge $50 per use. If half of those users move out of the area, the equipment isn't needed as much, and the cost per use may double. Or if another hospital in the region gets a hemodialysis machine and draws half the local market, the cost per use may again double.

Maximizing equipment use to keep costs down may have implications on the quality of care. Hospitals, wanting as many patients as possible to use the equipment, sometimes schedule unneeded treatments and diagnostic tests. This not only inflates costs, but treatments and tests can have unknown side effects. Also, when hospital beds are empty, the temptation is to pull in patients from emergency rooms or outpatient clinics for "further testing" — a good way for the hospital to use its machines and fill its beds at the same time.

The problem of over-equipment gets worse as technology advances. More new gadgets for hospitals are pushed by equipment salesmen each year. A new fancy machine comes



The author is a graduate student in journalism at the University of California, Berkeley.

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on the market only to be outdated by a newer and fancier machine. A prime example is the brain scanner, which came out two years ago. This scanner took readings of the brain from all angles, placing the readings on computers. It was the fastest, most reliable way to find brain tumors and lesions without patient discomfort. Hospitals ran to buy it. A year ago, a new scanner became available using the same technique for the entire body and eliminating the use of dangerous dyes to stain tissues. Hospitals rushed to buy the new scanners in such numbers that demand outdid the manufacturer's supply. A lot of hardly-used brain scanners became outdated.

Because of the surplus of hospital services, hospitals compete for patients, money and equipment. Like corporations, many hospitals vie to grow bigger and to diminish the competitor hospital, regardless of the effect on the patients. They want to offer the most expensive, income-grabbing services possible — not the badly needed, money-losing outpatient clinics, but the specialty burn centers, cardiac centers and radiation therapy centers.

Congress moves

In 1968, Congress tried to do something about surplus hospital facilities by passing a law which set up and funded area-wide comprehensive health-planning agencies. The next year, California passed a back-up statute that prohibited health facilities from adding beds or changing bed categories (a change in the kind of service a bed is used for) without permission from the local health planning agency. This way, the law controlled both beds and services but did nothing to control hospital machinery, and what Assemblyman Barry Keene calls "the hospital equipment arms race" has continued. The law was not without effect; it doubled the number of unneeded beds in California.

The problem was the grandfather clause. Passed on September 4th, 1969, the bill provided that plans to add or convert beds submitted to the state health department by January 1st, 1970 would not need approval.

Saleem Farag, head of health planning in the state health department, shrugs off the effect of the grandfather clause. "A baby must walk before it can run." In this case, California had less than 9,000 unneeded beds in 1969. Two years and a grandfather clause later, the state had more than 20,000 unneeded beds.

Another section of that law allowed a hospital to add beds disapproved by the health planning agencies, but that hospital would lose Medi-Cal provider status — that is, it would not be reimbursed for Medi-Cal patients. This would have meant a big loss in patient numbers for the hospitals. Seven hospitals and one nursing home created more than 500 acute-care beds under this provision — and then went right on receiving Medi-Cal reimbursement. They were recently discovered, but three of the hospitals are bringing the matter to court on a technicality.

Tom Heerhartz, facilities planning chief in the state health department, said another reason for health planning failure was that the local agencies "weren't good at saying no." The agencies usually approved plans that were not blatantly wasteful, and always approved plans that brought new services into their area without considering whether a nearby area might have that service and be able to take on extra patients.

Another attempt

In 1974, the federal government passed a new law which required states to reshape comprehensive health planning areas by May 3, 1975 and to form health service agencies with real power. California was the only state that missed the deadline. Governor Brown disliked the legislation, saying it created unnecessary beaureaucratic layers. Health service area maps were drawn and redrawn several times. One version divided San Mateo County. Old health planning agencies ran out of funding, were unable to handle all the incoming hospital applications and some closed without new agencies to replace them.

Meanwhile, urgency state legislation to implement the new federal law moved sluggishly. Finally, on September 9th, 1976, Brown signed the new state bill, Keene's AB 4001. At that time, the state health department had designated all of the new health service agencies except the nine-county Bay Area. But once again, hospital applications were fired off quickly to overloaded health planning agencies before the new legislation could take effect.

Even the tough new health planning legislation could cause as many bad effects as good, because it instructs health planners to look only at the quantity of health care, not the quality. For example, in Los Angeles, Cedars of Lebanon Hospital and Mount Sinai Hospital are building a new hospital with 400 additional beds on Mount Sinai's location. The new hospital, Cedars-Sinai, was one of the last to make it under the grandfather clause wire. The project would not have passed under true health planning because Los Angeles is overbedded by 3,000 units and there are other nearby hospitals. But Cedars-Sinai is an outstandingly high quality, popular hospital. It efficiently combines its services and, in spite of the huge new wing, has kept its costs low. Before the new wing was built, the hospitals had occupancy rates of more than 95 percent. (A hospital is considered to have no unnecessary beds if its occupancy rate is 85 percent.) The new hospital's occupancy rate already is 82 percent.

Had Cedars-Sinai not been built, patients would have had to go to one of the nearby hospitals, several of which are proprietary. One of these charges $167 a day for a bed in a single room. The same costs $135 a day in Cedars-Sinai's new wing. If health planning had prevailed, the high quality hospital would not have been built. There is no plan to reward high quality or efficiency in health planning. Because health planning will slash competition and guarantee hospitals a certain amount of fullness, hospitals have no incentive to offer better or more sensitive care.

Berkeley illustrates another potential weakness in health planning. Two major hospitals stand within a mile of each other. The older, 200-plus bed hospital, serves mostly the poor. It offers money-losing outpatient clinics that charge on a sliding scale according to patient income. The other medical center with 300-plus beds offers high-cost, specialty services in a brand-new building. It has no outpatient clinics and serves mostly the middle and upper-middle classes. In the newer facility's emergency room, the reception nurse gives each unknowing patient a code letter designating financial status. The code, written on the patient's chart, tells the doctor how much prudence to use in ordering treatment.

According to state health planner Don Smith, planners would like to see the two hospitals merge, which makes health planning sense. The newer medical center would probably take over the older, Smith said, because it is larger, wealthier and newer. If this merger should happen, low-income patients from Berkeley would have to travel to the nearest county hospital for outpatient services, which would probably disappear in Berkeley. There would be two levels of medical-care quality — one for those who could pay, one for those who couldn't.

If health planners want to succeed, they'll have to look farther than the number of beds and machines. Until now, planners have had enough trouble looking that far.

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Avoiding the real issues in the child-care conflict

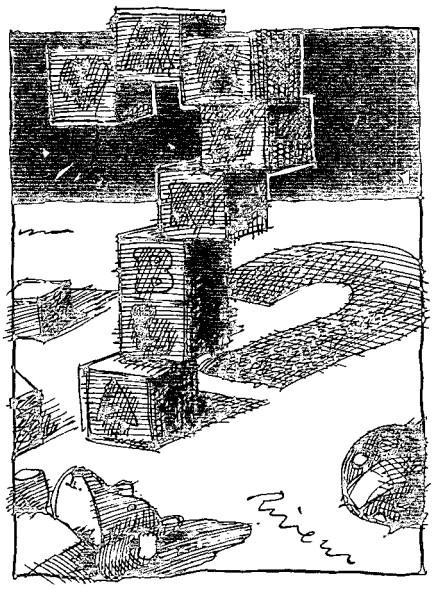
By Barbara J. Swain

Given increasing costs and restricted funds, how can California provide state-subsidized child-care services for all the families needing them? Last year, the state was able to provide publicly funded day care to 55,400 children, only 10 percent of the 500,000 California youngsters with welfare mothers. The cost of these services was $103 million, and there are those who believe the figure is far too high.

Problems surrounding this dilemma of growing costs and limited budgets raise a number of questions about the state's precise child-care role: What is "adequate" child care? Is there a realistic way to fund it? Is the alternative high-quality care to relatively few children, or lower standards so that many more youngsters can be reached? And what programs, if any, can be drained to provide capital for child care?

Despite these fundamental issues, the questions now being examined in California are the very ones that were supposed to have been resolved with the enactment of the Child Care Act of 1972 — who should administer child care, who should be eligible and what money should go where? Hassling over authority, political infighting and placement of blame are preventing a close examination of the state's basic child-care policy.

Superintendent of Public Instruction Wilson Riles, who administers the state program, estimates that there are more than a million California children who need some day-care services, and he wants eligibility standards broadened to include more of them. Under existing state and federal regulations, families with annual gross income not exceeding 84 percent of the state median are eligible for subsidized care. Riles would like to see the threshold pushed upward to



115 percent of median. Mario Obledo, state secretary of health and welfare, estimates that it would cost $1.6 billion to provide care to all these children.

Education program

Riles' Department of Education, which has been running child-care operations since 1972, has been under the gun for its management of the program. A variety of state agencies — among them the defunct Office of Educational Liaison, the Legislative Analyst and the Department of Health — have all accused the Department of Education of spending too much and placing too much emphasis on the role of education in child-care.

In its final report a year ago, the Office of Educational Liaison maintained that privately run child-care operations are able to provide the same quality of services at lower cost. The Analyst's office at the same time questioned the value of educational objectives written into state law and accused Education of exceeding federal staffing requirements. In April, the Department of Health called for a transfer of the program to the Health and Welfare Agency.

The governor's office has also been critical. This year, Governor Brown unveiled a $10 million proposal designed to test economical and innovative programs, including subsidizing individual family day-care homes, expansion of programs at private nursery schools, providing mothers with care through a voucher system, and the opening of resource and referral centers. J. Anthony Kline, Brown's legal affairs secretary, blamed the Department of Education for relying too heavily on expensive center-based programs.

The Administration plan also called for a shifting of child care entirely to state funding so that expensive federal regulations could be avoided. (Last year, California's child-care programs received funds from three levels of government — $47 million federal, $28 million state and $27 million local.) The Brown proposal, which was opposed by Legislative Analyst A. Alan Post, was placed into AB 3059 by state Senator John Foran of San Francisco and was signed into law on July 1st. Implementation is getting underway at the Department of Education.

Behind all this finger-pointing lies a history of inter-agency squabbling and mistrust which has plagued child care in California since enactment of the 1972 law (AB 99). That bill transferred the responsibility for the program from the Health and Welfare Agency to the Department of Education, and also established the Office of Educational Liaison in H&W to act as intermediary between the two agencies. This move added confusion to the child-care scene by dividing authority between Education, which administers the program, and Liaison, which was the recipient of federal subsidies for the program.

Under Ronald Reagan, Liaison paid relatively little attention to child care,

The author, a political-science student at Scripps College in Claremont, prepared this article as a Journal *intern.*

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but under Brown it began to scrutinize the program closely. A warning was circulated in Education during August of 1975 that Liaison was trying to prove that it could administer the program more efficiently. A bill to extend the life of Liaison beyond 1975 was killed in the Legislature, but Liaison filed a final report attacking the Department of Education for failing to monitor the program adequately and for having a "self-serving attitude."

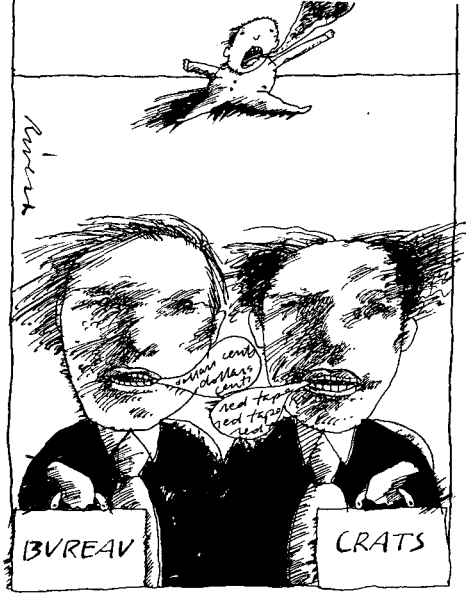
Dispute over goals

Kindling some of the disputes is a fundamental disagreement over goals and objectives. The 1972 act places an emphasis on child development and calls for "the preparation of pre-school children for effective matriculation in the educational programs of their community." The Department of Education and most child-care advocates hail this "educational clause" and aim at presenting comprehensive child-development programs, far beyond mere baby-sitting.

But Anthony Kline believes the role of education is over-emphasized and that most mothers just "want someone to watch their kids." Kline and others are convinced that if educational programs were eliminated (along with mandatory teaching credentials for staffers) costs would be reduced significantly and many more families could be brought into the program.

The tension that exists between agencies is not apparent at the working level, however. It is only when issues are taken to the political strata of agency hierarchies that voices rise and major assaults on the Department of Education are heard.

The department has remained remarkably quiet while under siege. But Frances Walker, who administers child-care operations as director of the



Office of Child Development, has prepared careful responses to all the critics. She claims some of the attacks are based on unsubstantiated statistics and feels that the Office of Liaison report made child care look like a "grandiose employment agency" for educators with expensive teaching credentials. The critics neglected, she said, "to ask how many of those with credentials were being paid regular teachers' wages and how many were actually being paid as aides."

Walker explained that a good portion of the $103 million spent for child care is provided locally and "if communities want to add their support to state-subsidized child care, who's going to stop them?" She maintains that many of the programs contained in the Administration bill "aren't innovative at all." She claims Kline's charge that Education advocates only center-based programs is false and that the department has been employing family day-care centers all along. Walker and her assistant, Glenn Thomas, say the $10 million is welcome but they doubt that cheaper methods of providing day care will be found.

The majority of applicants for public funds under the new law have requested funds based on costs lower than $1 an hour per child, most substantially less than the current average of $1.03 per hour in the state program. At the Department of Education, there is skepticism that programs can be run at such low costs without local assistance. Whiseman School District in Santa Clara County has requested only 14 cents per hour and Education officials claim "you can't even feed chickens for that."

Even if the Administration program does pinpoint ways to cut costs, larger issues loom ahead. If the educational proviso is dropped and the state no longer need hire credentialed teachers, is it right to pay caretakers $6,000 a year or less for nine-hour days of caring for California's children? Is it sound state policy to pay women working in a family day-care environment far below the minimum wage? If federal standards can be avoided, is the 1-to-12 staff-child ratio mandated by state law adequate? Can the state's precise role be defined, and can fiscally feasible standards be established?

As Cathy Camp, head of the Governor's Advisory Committee on Child Development Programs, puts it, "We can talk endlessly about which agency runs child care and what you can get for $1 or $1.14. The larger decisions must be made by the Administration and the Legislature: What is the state's role in ensuring a healthy and supportive atmosphere for every child? How do we guarantee a multiplicity of settings and caring staffs to suit diverse family needs and desires?

"At this point," she concluded, "we're not planning for children. We're merely turning around in a maze, reshuffling $103 million without grappling with the question of basic responsibility."

ROSTRUM

(continued from page 398)

draw the conclusion that the education being given at the responsible non-accredited school is comparable to that of the accredited schools.

It was the State Bar's consultant on legal education, John Gorfinkel, who was quoted in your article, who stated in the *Los Angeles Daily Journal* of August 17, 1976: "You can't make a categorical statement that unaccredited law schools are good, bad or indifferent. Some unaccredited law schools are at or almost at the quality of some accredited schools." I'm sure he was alluding to one of the real dangers to falling in with the preconceptions and unsupported conclusions in your article — best described by the cliché, "throwing out the baby with the bath water."

The other real danger is even more insidious. By allowing ourselves to be intimidated by those who would deny the worthy, not-yet-accredited law schools the opportunity to prove their viability and validity, we play into the hands of those few in the profession whose motives in keeping down opportunities for new entrants into the profession are not quite as altruistic as they would have us believe. We should not assume that the steadily spiralling criteria and standards for law school approvals and accreditations (without a shred of evidence that the previous criteria yielded incompetent attorneys) are totally unrelated to the desire of some practitioners for fewer competitors.

The people of California and our State Bar will be enriched by enabling otherwise untapped human resources to contribute to our profession. We have already seen that in the number of successful, competent attorneys and judges which non-accredited schools have produced. Our California Bar is a forerunner in the field of creative legal thinking, and a major reason for the nature and diversity of its membership.

I take great pleasure in knowing that schools such as Mid-Valley College of Law have contributed something irreplaceable to the lives of many a sound legal education in surroundings of dignity and an opportunity to share in the joys and responsibilities of a professional life.

SHIRLEY A. ENGEL
Dean
Mid-Valley College of Law

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California CAPSULES

Energy unit wants record budget, raise in consumer tax rate

The state Energy Commission adopted a proposed budget of $20.4 million for fiscal 1977-78 which, if accepted by the Governor and the Legislature, will raise California consumers' electricity bills by 60 cents to $1.20 a year. The Commission's current budget appropriation for 1976-77 is $13.1 million. At the present funding level, the electricity surtax is at one tenth of a penny per kilowatt hour. There is a ceiling on the tax of two-tenths of a penny on every kilowatt hour. Commissioner Alan Pasternak censured the action. "If any other state agency had granted a utility rate increase at a midnight meeting on one week's notice with little public involvement, they would be severely criticized and rightly so," Pasternak said. A Commission spokesman said there were 10 days notice.

Legislators travel to Israel, sponsors protected by museum

The Judah I. Magnes Memorial Museum of Berkeley refused to release the sponsors of a trip to Israel for 10 state legislators estimated to cost about $13,000. Saying that the names of contributors will be known only to the Internal Revenue Service, a museum spokesman said none of the funds came from lobbyists or the Israeli government. The trip is called a "cultural exchange."

PUC prohibits extra charges on lifeline users

The state Public Utilities Commission halted a two-year-old practice of Pacific Telephone Company, which has been charging 800,000 "lifeline" users extra for phone calls lasting more than five minutes. Lifeline customers, who are poor or elderly, may subscribe to either of two plans: 30 calls per month for $2.50, or 60 calls for $3.75. Extra calls are five cents apiece. These are the least expensive phone rates in the country. Under Pacific Telephone's single-message-rate-timing program, all calls were timed and each five minutes or fraction thereof was logged as a separate call. Under this system, a lifeline user could make fewer than the maximum number of calls, but still pay extra charges. The PUC found the system unreasonable and said the policy had to be changed to preserve the service for those it was designed to serve.

Initiative seeks public financing for state elections

Common Cause, thwarted repeatedly by the Legislature, has turned to the initiative process in its attempt to institute public financing of elections in California. The organization has until April 1st, 1977 to collect the necessary 312,404 signatures to qualify the measure for the June 1978 ballot. The initiative, if passed, would appropriate up to $47 million in state funds every four years for legislative and statewide candidates who agreed to abide by its spending limits. Individual campaign contributions would be limited to $500 for a statewide candidate and $250 for a legislative candidate after the nomination-paper filing deadlines. It would provide funding for both the primary and the general election. Three dollars of public money would match each dollar of small private donations up to a maximum amount. To offset the criticism that public financing and spending limits benefit office holders, spending limits would be set at 10 percent less for incumbents than for challengers. The organization says public financing would weaken the control of special interests on lawmakers.

Analyst reports state in good fiscal condition

The state should finish the year with a $509.9 million surplus, according to Legislative Analyst A. Alan Post, even though it will spend $245.2 million more than it takes in. Computation of the surplus included $480 million worth of appropriations bills signed by the Governor since the July 2nd enactment of the budget and a $92 million increase in tax revenues resulting from inflation. If what Superintendent of Public Instruction Wilson Riles says proves true, the $272.9 million appropriation to public schools negotiated at budget time will be reduced to an expenditure of only $165 million because of increases in local property tax assessments. If that $108 million is saved, the surplus will total $617 million. Among the 25 appropriation bills signed by Brown are $13.3 million for coastline land purchases, $19.5 million for welfare grant raises, $28.7 million in increased employee fringe benefits and $52.5 million for increased Medi-Cal payments to doctors and other providers.

Enrollment drops for first time at state colleges

For the first time in the history of the California State Colleges and Universities, enrollment has dropped by 2.2 percent or 6,802 students. Slight enrollment increases were recorded at four of the 19 campuses — San Bernardino, Bakersfield, Pomona and Stanislaus. At the remaining campuses, enrollment fell from a high of 1,757 at San Diego State University to a low of 112 at California State University at Humboldt. The overall enrollment fell from 310,890 last year to 304,089. The same type of decline is reflected in nationwide figures on college attendance which show a decrease of one percent. Administrators are puzzled by the decline and have no official explanation.

Assembly committee attendance charted by citizens' group

An organization called the California Citizen Action Group rated Assembly members' committee attendance at 73 percent during last session. The group said attendance was "tolerable." The ratings were computed by taking the number of times votes were cast and dividing by all committee voting opportunities. Members with the highest attendance were Herschel Rosenthal at 96.3 percent and Larry Chimbole at 96.1 percent. On the low end of the scoring were John Miller at 24.1 percent and John Briggs at 37.5 percent.

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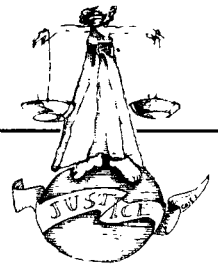

SIGNIFICANT COURT ACTIONS

The McComb 'trial'

The "trial" of state Supreme Court Justice Marshall F. McComb, 82, apparently is headed for the United States Supreme Court. McComb is the subject of an investigation by the state Commission on Judicial Qualifications as to his ability to perform his $69,935-a-year job.

McComb has refused to appear before a commission examiner, William O. Weissich, on the grounds that he can be removed only by impeachment. McComb is accused: "Of willful and persistent failure to perform his duties, of conduct prejudicial to the administration of justice that brings the judicial office into disrepute, of having a disability that seriously interferes with the performance of his duties, and is, or is likely to become, permanent, and of willful misconduct in office." One of the charges involves the filing of improper travel vouchers.

After McComb refused to appear before Weissich, retired Superior Judge Byron Arnold of San Francisco held McComb in contempt of court and sentenced him to an indefinite term in jail. But the sentence was stayed pending appeal. McComb claims that the current proceeding is illegal because a final determination on his fitness would be made by his colleagues on the Supreme Court, who would also be the key witnesses. Our system of justice does not allow the same individuals to serve as judges and jurors, according to McComb's attorney, Eugene Majeski. Thus, the Justice claims, he can be removed only through a trial before the Legislature. Apparently, he is prepared to take his contention all the way to the United States Supreme Court.

The accomplice rule

California law prescribes additional penalties for those who use firearms in the commission of major crimes. But suppose there are several people involved in a felony and only one of them employs a gun. Can they all receive the increased penalties?

That was the issue before the state Supreme Court in the case of John Earl Walker, convicted of first degree murder in a 1974 Long Beach shooting. Walker was identified as one of three men in the assault, but it was not clear which of the three fired the fatal shot. The trial judge ruled that he could be given the special firearm sentence if he were only an accomplice to the man who actually pulled the trigger.

But, by a 4-3 margin, the court ruled that Walker should not have been given the additional penalty because there was no proof that he actually fired the gun. It is not sufficient that he was an accomplice, wrote Chief Justice Donald R. Wright in *People* v. *Walker*. He was supported by the court's liberals, Stanley Mosk, Mathew Tobriner and Raymond Sullivan. The dissenting opinion, signed by Justices Frank Richardson, William P. Clark Jr. and McComb, took the view that the penalty may properly be imposed on an accomplice.

Five of a kind

In a 5-2 decision, the court ruled that ballot arguments supporting a proposed initiative do not have to be filed with the initiative petition but can be submitted within a reasonable time before an election. At issue was a 1975 petition to allow draw-poker clubs to be established in Union City. The city clerk refused to accept the argument in favor of the measure because it was submitted after the filing. As a result, voters were sent pamphlets with an argument against the proposition but none in favor.

In *Ferrara* v. *Belanger*, the court majority said that the law allows a reasonable filing time and that there is no rigid deadline. The opinion was written by Tobriner, joined by Wright, Sullivan, Clark and Richardson.

NEWSMAKERS

Early book on '78

First line on possible Republican candidates for governor in 1978: Mayor **Pete Wilson** of San Diego, Attorney General **Evelle J. Younger,** actor **Efrem Zimbalist Jr.** and Police Chief **Ed Davis** of Los Angeles. Also mentioned: 1974 nominee **Houston Flournoy** and former Lieutenant Governor **Ed Reinecke** .... Among those reported as the recipient of gifts from South Koreans: Representatives **Robert Leggett** and **John McFall** and former Congressmen **Richard Hanna** and **Jerome Waldie.** All are Democrats. Representative **Phil Burton** revealed that his wife, Sala, had been sent a large topaz brooch by a South Korean but returned it promptly.

Donald Burns, secretary of business and transportation, indicated that he may resign to re-enter law practice. He would be the first member of the Brown cabinet to leave .... **Van King** was fired as head of a project to revise the Capitol Area Plan by State Architect **Sim Van Der Ryn** in a policy dispute. ... **Queenell Cornelius,** Governor Brown's maid, strained a back muscle stooping over the Governor's low-slung bed.

Richard O'Neill, the millionaire Orange County landowner, announced he was halting the flow of funds to Democratic candidates .... A third mistrial was declared in the libel suit of former Mayor **Joseph Alioto** of San Francisco against the defunct Look Magazine .... Former California Highway Patrol Commissioner **Walter Pudinski** announced his candidacy for the Rialto city council .... Ex-convict **Robert A. Young,** a public defender, was elected a judge of the Loomis judicial district in Placer County.

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A WASHINGTON PERSPECTIVE . . .

By Leo Rennert

Requiem for a middleweight

When he woke up November 3rd to the bitter reality of his 230,000-vote defeat, Senator John V. Tunney tried to explain what hit him by pointing to a strong anti-incumbent climate and to S. I. Hayakawa's emergence as a folk-hero. California voters, he suggested, had become captivated by his GOP opponent's idiosyncracies to the point of ignoring vital policy differences, and had dumped him because of a pervasive desire to "throw the rascals out."

The explanation is not quite accurate. To the extent that it implies that Tunney's loss was due mainly to factors beyond his control, it is downright misleading. After more than five years in the U.S. Senate, as his own polls pointed out, Tunney had failed to convey to Californians a clear image of his political beliefs and legislative objectives. His identification was neither liberal, moderate, nor conservative. It was "fuzzy." When the end drew near, he was still a loner in search of a sympathetic constituency, a drifter across the political spectrum.

"I'm a Californian, not a Washingtonian, and I want people to know that," Tunney remarked last June after his bloody primary fight with Tom Hayden. "I'm going to take off my jacket, roll up my sleeves and go along Main Street and to county fairs. I'll make it clear that I'm not some aloof senator who never gets to the grass-roots, but that I am a man of the people."

The diagnosis and the prescription were too simplistic, even self-deceiving. They assumed Tunney had established a first-class record and that the only problem was poor communication. He was going to become his own salesman because, he complained, the media had failed to report adequately his legislative triumphs. If only the people knew . . . .

* * *

His troubles, however, went deeper. The fates had less to do with the trouble than his own shortcomings. As Shakespeare observed in the context of another political tragedy, "the fault . . . is not in our stars, but in ourselves."

Tunney began his Senate term in 1971 conscious of the fact that he had suddenly been catapulted from a small conservative House district in Riverside County to a larger and far different political stage. With all of California now his turf, he had to forge closer ties with big cities, labor groups and minorities. Perhaps the biggest challenge was to win over two constituencies which were decidedly cool, if not downright hostile — liberals in general and farmworkers in particular

For a while, Tunney made a conscious effort to mend his fences on the left. But relations never grew very friendly. He suspected many liberals would always ostracize him — try as he might to please them. As Tunney began to sense that the mood of California was turning more to the right, he easily reverted to his natural inclinations on economic matters. He switched from opposition to support of deregulation of natural gas prices, voted against expensive pump-priming bills and jettisoned his advocacy of an immediate go-ahead for national health insurance. These stands boomeranged with activists in both parties. To the liberals, he was an apostate. To the conservatives, he was a flip-flopping senator. There was no gratitude from any sector. The oil industry repaid him for his pro-deregulation efforts by funneling most of its money to Hayakawa.

Going into the primary, Tunney underestimated the Hayden challenge, then almost panicked and responded with a fierce counter-attack. The exercise left his campaign badly shaken, underfinanced for the November runoff, vulnerable to disaffection on the left and unable to cope with Hayakawa's unorthodox surge from the right.

* * *

Typically, Tunney tried to improvise. He sought to win over the Hayden forces with a few leftward moves, including endorsement of the Humphrey-Hawkins "full employment" bill and Proposition 14, the farm-labor initiative. The 11th-hour tactics backfired. Besides losing him votes on the right and the center, his identification with Proposition 14 did little to clarify his "fuzzy" image. On election day, the "real" John Tunney was still an elusive target.

In retrospect, Tunney's Senate votes were not that much different from those of Senator Alan Cranston, a shoo-in victor in his reelection bid two years ago. But Cranston, who has veered to a cautious centrist position since arriving in Washington, still has a solid statewide reputation of having worked long and hard for liberal causes. Unlike Tunney, he could stray to the right in recent years and still count on the unswerving loyalty of California liberals. In marked contrast, Tunney was seen as an eastern interloper who rode to high office on his father's famous name. His absences from the Senate and his tendency to pay too much attention to the professional and social elites of Los Angeles and San Francisco only added to his inability to convince millions of Californians that he had kept his 1970 pledge to be a "fighter" in their corner.

A six-year Senate term is a golden prize in American electoral politics. But Tunney ignored or bungled many of its opportunities. His staff was of uneven quality, and the same can be said of his record. He can point with pride to several major achievements — sponsorship of a new toxic-substances-control law, a key leadership role in keeping the U.S. out of Angola, zealous support of civil liberties and individual privacy and the strengthening of anti-trust enforcement.

On Capitol Hill, he was neither a heavyweight, as some of his supporters claimed, nor a lightweight as his detractors liked to portray him. He made his biggest mistake not as a legislator, but as a politician unable to find the right compass for his state. A California senator who does his homework should not find it necessary to proclaim when he presents himself for reelection, "I am a Californian, not a Washingtonian."

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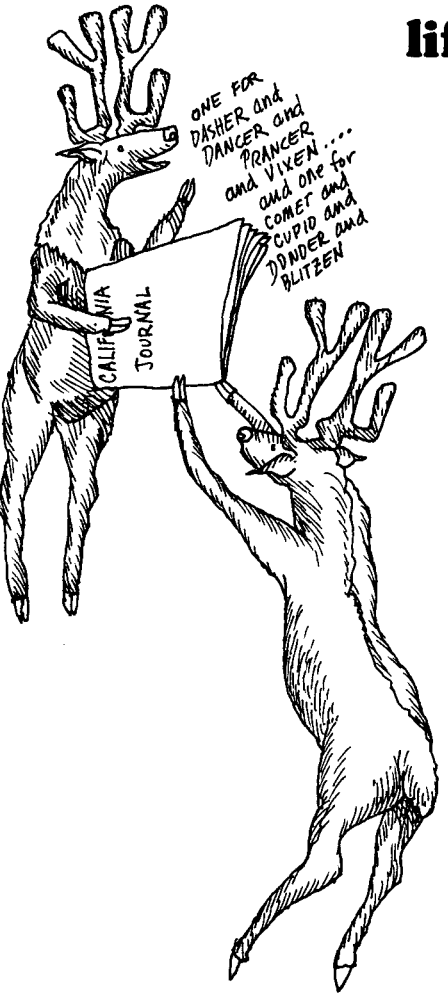
Let the California Journal lift those Christmas-gift blues



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